

LOCAL DISTRICT AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: _____

LONG TITLE

General Description:

This bill changes the name of "local districts" to "special districts."

Highlighted Provisions:

This bill:

- ▶ replaces the term "local districts" with the term "special districts" throughout the Utah Code; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides revisor instructions.

Utah Code Sections Affected:

AMENDS:

- 8-5-5**, as last amended by Laws of Utah 2007, Chapter 329
- 10-2-401**, as last amended by Laws of Utah 2021, Chapter 112
- 10-2-406**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 10-2-412**, as last amended by Laws of Utah 2007, Chapter 329
- 10-2-413**, as last amended by Laws of Utah 2019, Chapter 255
- 10-2-414**, as last amended by Laws of Utah 2021, Chapter 112



- 28 [10-2-418](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 29 [10-2-419](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 30 [10-2-425](#), as last amended by Laws of Utah 2019, Chapter 159
- 31 [10-2-428](#), as last amended by Laws of Utah 2008, Chapter 360
- 32 [10-2a-205](#), as last amended by Laws of Utah 2019, Chapter 165
- 33 [10-2a-210](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 34 [10-2a-404](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 35 [10-3c-102](#), as enacted by Laws of Utah 2015, Chapter 352
- 36 [10-9a-103](#), as last amended by Laws of Utah 2021, Chapters 140 and 385
- 37 [10-9a-305](#), as last amended by Laws of Utah 2021, Chapter 35
- 38 [10-9a-529](#), as last amended by Laws of Utah 2021, Chapter 385
- 39 [11-2-1](#), as last amended by Laws of Utah 2007, Chapter 329
- 40 [11-13-103](#), as last amended by Laws of Utah 2020, Chapter 381
- 41 [11-13a-102](#), as enacted by Laws of Utah 2017, Chapter 441
- 42 [11-14-102](#), as last amended by Laws of Utah 2016, Chapter 176
- 43 [11-14a-1](#), as last amended by Laws of Utah 2021, Chapter 355
- 44 [11-27-2](#), as last amended by Laws of Utah 2020, Chapter 365
- 45 [11-30-2](#), as last amended by Laws of Utah 2010, Chapter 378
- 46 [11-31-2](#), as last amended by Laws of Utah 2016, Chapter 350
- 47 [11-32-2](#), as last amended by Laws of Utah 2016, Chapter 350
- 48 [11-34-1](#), as last amended by Laws of Utah 2016, Chapter 350
- 49 [11-36a-102](#), as last amended by Laws of Utah 2021, Chapter 35
- 50 [11-36a-203](#), as enacted by Laws of Utah 2011, Chapter 47
- 51 [11-36a-502](#), as enacted by Laws of Utah 2011, Chapter 47
- 52 [11-36a-504](#), as last amended by Laws of Utah 2021, Chapters 84 and 345
- 53 [11-39-101](#), as last amended by Laws of Utah 2018, Chapter 103
- 54 [11-39-107](#), as last amended by Laws of Utah 2014, Chapter 196
- 55 [11-40-101](#), as last amended by Laws of Utah 2008, Chapter 360
- 56 [11-42-102](#), as last amended by Laws of Utah 2021, Chapters 314 and 415
- 57 [11-42a-102](#), as last amended by Laws of Utah 2021, Chapter 280
- 58 [11-43-102](#), as last amended by Laws of Utah 2008, Chapter 360

- 59 [11-47-102](#), as enacted by Laws of Utah 2011, Chapter 45
- 60 [11-48-101.5](#), as enacted by Laws of Utah 2021, Chapter 265
- 61 [11-48-103](#), as enacted by Laws of Utah 2021, Chapter 265
- 62 [11-50-102](#), as last amended by Laws of Utah 2016, Chapter 350
- 63 [11-52-102](#), as last amended by Laws of Utah 2016, Chapter 350
- 64 [11-54-102](#), as last amended by Laws of Utah 2019, Chapter 136
- 65 [11-55-102](#), as enacted by Laws of Utah 2017, Chapter 70
- 66 [11-57-102](#), as enacted by Laws of Utah 2017, Chapter 354
- 67 [11-58-102](#), as last amended by Laws of Utah 2021, Chapter 415
- 68 [11-58-205](#), as last amended by Laws of Utah 2020, Chapter 126
- 69 [11-59-102](#), as last amended by Laws of Utah 2021, Chapter 415
- 70 [11-59-204](#), as last amended by Laws of Utah 2021, Chapter 415
- 71 [11-60-102](#), as enacted by Laws of Utah 2018, Chapter 197
- 72 [11-61-102](#), as enacted by Laws of Utah 2018, Chapter 188
- 73 [13-8-5](#), as last amended by Laws of Utah 2017, Chapter 373
- 74 [14-1-18](#), as last amended by Laws of Utah 2016, Chapter 350
- 75 [15-7-2](#), as last amended by Laws of Utah 2016, Chapter 350
- 76 [17-15-32](#), as enacted by Laws of Utah 2018, Chapter 257
- 77 [17-27a-103](#), as last amended by Laws of Utah 2021, Chapters 140, 363, and 385
- 78 [17-30-3](#), as last amended by Laws of Utah 2009, Chapter 218
- 79 [17-34-3](#), as last amended by Laws of Utah 2015, Chapter 352
- 80 [17-50-103](#), as last amended by Laws of Utah 2007, Chapter 329
- 81 [17B-1-101](#), as enacted by Laws of Utah 2007, Chapter 329
- 82 [17B-1-102](#), as last amended by Laws of Utah 2021, Chapter 314
- 83 [17B-1-103](#), as last amended by Laws of Utah 2018, Chapter 256
- 84 [17B-1-104](#), as last amended by Laws of Utah 2009, Chapter 92
- 85 [17B-1-104.5](#), as enacted by Laws of Utah 2011, Chapter 68
- 86 [17B-1-105](#), as last amended by Laws of Utah 2009, Chapter 350
- 87 [17B-1-106](#), as last amended by Laws of Utah 2021, Chapters 84, 162, 345, and 382
- 88 [17B-1-107](#), as last amended by Laws of Utah 2015, Chapter 349
- 89 [17B-1-110](#), as renumbered and amended by Laws of Utah 2007, Chapter 329

- 90 **17B-1-111**, as last amended by Laws of Utah 2021, Chapter 355
- 91 **17B-1-113**, as last amended by Laws of Utah 2019, Chapter 37
- 92 **17B-1-114**, as enacted by Laws of Utah 2007, Chapter 329
- 93 **17B-1-115**, as enacted by Laws of Utah 2007, Chapter 329
- 94 **17B-1-116**, as enacted by Laws of Utah 2007, Chapter 329
- 95 **17B-1-118**, as last amended by Laws of Utah 2021, Chapter 35
- 96 **17B-1-119**, as repealed and reenacted by Laws of Utah 2013, Chapter 309
- 97 **17B-1-120**, as enacted by Laws of Utah 2011, Chapter 205
- 98 **17B-1-121**, as last amended by Laws of Utah 2021, Chapter 35
- 99 **17B-1-201**, as last amended by Laws of Utah 2011, Chapter 68
- 100 **17B-1-202**, as last amended by Laws of Utah 2020, Chapter 354
- 101 **17B-1-203**, as last amended by Laws of Utah 2017, Chapter 112
- 102 **17B-1-204**, as last amended by Laws of Utah 2011, Chapter 68
- 103 **17B-1-205**, as last amended by Laws of Utah 2011, Chapter 68
- 104 **17B-1-207**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 105 **17B-1-208**, as last amended by Laws of Utah 2017, Chapter 112
- 106 **17B-1-209**, as last amended by Laws of Utah 2011, Chapter 68
- 107 **17B-1-210**, as last amended by Laws of Utah 2011, Chapter 68
- 108 **17B-1-211**, as last amended by Laws of Utah 2021, Chapters 84, 345, and 355
- 109 **17B-1-212**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 110 **17B-1-213**, as last amended by Laws of Utah 2014, Chapter 405
- 111 **17B-1-214**, as last amended by Laws of Utah 2017, Chapter 404
- 112 **17B-1-215**, as last amended by Laws of Utah 2014, Chapter 405
- 113 **17B-1-216**, as last amended by Laws of Utah 2009, Chapter 350
- 114 **17B-1-217**, as last amended by Laws of Utah 2013, Chapter 448
- 115 **17B-1-301**, as last amended by Laws of Utah 2018, Chapter 424
- 116 **17B-1-302**, as last amended by Laws of Utah 2019, Chapters 40 and 108
- 117 **17B-1-303**, as last amended by Laws of Utah 2021, Chapters 84 and 345
- 118 **17B-1-304**, as last amended by Laws of Utah 2021, Chapter 355
- 119 **17B-1-305**, as last amended by Laws of Utah 2014, Chapter 362
- 120 **17B-1-306**, as last amended by Laws of Utah 2021, Chapters 84, 345, 355, and 415

121 **17B-1-306.5**, as last amended by Laws of Utah 2014, Chapter 377
122 **17B-1-307**, as last amended by Laws of Utah 2017, Chapter 70
123 **17B-1-308**, as last amended by Laws of Utah 2019, Chapter 40
124 **17B-1-310**, as last amended by Laws of Utah 2013, Chapter 448
125 **17B-1-311**, as last amended by Laws of Utah 2021, Chapter 51
126 **17B-1-312**, as last amended by Laws of Utah 2018, Chapter 200
127 **17B-1-313**, as last amended by Laws of Utah 2021, Chapter 355
128 **17B-1-314**, as enacted by Laws of Utah 2011, Chapter 106
129 **17B-1-401**, as renumbered and amended by Laws of Utah 2007, Chapter 329
130 **17B-1-402**, as last amended by Laws of Utah 2011, Chapter 68
131 **17B-1-403**, as renumbered and amended by Laws of Utah 2007, Chapter 329
132 **17B-1-404**, as renumbered and amended by Laws of Utah 2007, Chapter 329
133 **17B-1-405**, as last amended by Laws of Utah 2009, Chapter 350
134 **17B-1-406**, as renumbered and amended by Laws of Utah 2007, Chapter 329
135 **17B-1-407**, as renumbered and amended by Laws of Utah 2007, Chapter 329
136 **17B-1-408**, as renumbered and amended by Laws of Utah 2007, Chapter 329
137 **17B-1-409**, as renumbered and amended by Laws of Utah 2007, Chapter 329
138 **17B-1-410**, as renumbered and amended by Laws of Utah 2007, Chapter 329
139 **17B-1-411**, as renumbered and amended by Laws of Utah 2007, Chapter 329
140 **17B-1-412**, as last amended by Laws of Utah 2010, Chapter 263
141 **17B-1-413**, as last amended by Laws of Utah 2021, Chapters 84 and 345
142 **17B-1-414**, as last amended by Laws of Utah 2020, Chapter 122
143 **17B-1-415**, as last amended by Laws of Utah 2011, Chapter 223
144 **17B-1-416**, as last amended by Laws of Utah 2011, Chapter 68
145 **17B-1-417**, as last amended by Laws of Utah 2021, Chapters 84, 345, and 355
146 **17B-1-418**, as last amended by Laws of Utah 2015, Chapter 349
147 **17B-1-501**, as enacted by Laws of Utah 2007, Chapter 329
148 **17B-1-502**, as last amended by Laws of Utah 2016, Chapters 176 and 348
149 **17B-1-503**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 7
150 **17B-1-504**, as renumbered and amended by Laws of Utah 2007, Chapter 329
151 **17B-1-505**, as last amended by Laws of Utah 2017, Chapter 404

- 152 **17B-1-505.5**, as last amended by Laws of Utah 2021, Chapters 84, 345, and 355
- 153 **17B-1-506**, as last amended by Laws of Utah 2011, Chapter 297
- 154 **17B-1-507**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 155 **17B-1-508**, as last amended by Laws of Utah 2015, Chapter 436
- 156 **17B-1-509**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 157 **17B-1-510**, as last amended by Laws of Utah 2015, Chapter 436
- 158 **17B-1-511**, as last amended by Laws of Utah 2014, Chapter 377
- 159 **17B-1-512**, as last amended by Laws of Utah 2017, Chapter 404
- 160 **17B-1-513**, as last amended by Laws of Utah 2016, Chapter 140
- 161 **17B-1-601**, as last amended by Laws of Utah 2014, Chapter 253
- 162 **17B-1-602**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 163 **17B-1-603**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 164 **17B-1-604**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 165 **17B-1-605**, as last amended by Laws of Utah 2013, Chapter 295
- 166 **17B-1-606**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 167 **17B-1-607**, as last amended by Laws of Utah 2015, Chapter 436
- 168 **17B-1-609**, as last amended by Laws of Utah 2021, Chapters 84, 345, and 355
- 169 **17B-1-612**, as last amended by Laws of Utah 2021, Chapter 339
- 170 **17B-1-613**, as last amended by Laws of Utah 2016, Chapter 353
- 171 **17B-1-614**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 172 **17B-1-615**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 173 **17B-1-617**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 174 **17B-1-618**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 175 **17B-1-619**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 176 **17B-1-620**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 177 **17B-1-621**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 178 **17B-1-623**, as enacted by Laws of Utah 2007, Chapter 329
- 179 **17B-1-626**, as last amended by Laws of Utah 2014, Chapter 253
- 180 **17B-1-627**, as last amended by Laws of Utah 2009, Chapter 204
- 181 **17B-1-629**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 182 **17B-1-631**, as renumbered and amended by Laws of Utah 2007, Chapter 329

183 [17B-1-632](#), as renumbered and amended by Laws of Utah 2007, Chapter 329
184 [17B-1-633](#), as renumbered and amended by Laws of Utah 2007, Chapter 329
185 [17B-1-635](#), as renumbered and amended by Laws of Utah 2007, Chapter 329
186 [17B-1-639](#), as last amended by Laws of Utah 2013, Chapter 448
187 [17B-1-640](#), as last amended by Laws of Utah 2013, Chapter 448
188 [17B-1-641](#), as last amended by Laws of Utah 2018, Chapter 256
189 [17B-1-642](#), as renumbered and amended by Laws of Utah 2007, Chapter 329
190 [17B-1-643](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 15
191 [17B-1-644](#), as renumbered and amended by Laws of Utah 2007, Chapter 329
192 [17B-1-645](#), as enacted by Laws of Utah 2010, Chapter 171
193 [17B-1-701](#), as renumbered and amended by Laws of Utah 2007, Chapter 329
194 [17B-1-702](#), as last amended by Laws of Utah 2018, Chapter 424
195 [17B-1-703](#), as last amended by Laws of Utah 2018, Chapter 424
196 [17B-1-801](#), as renumbered and amended by Laws of Utah 2007, Chapter 329
197 [17B-1-802](#), as renumbered and amended by Laws of Utah 2007, Chapter 329
198 [17B-1-803](#), as renumbered and amended by Laws of Utah 2007, Chapter 329
199 [17B-1-804](#), as renumbered and amended by Laws of Utah 2007, Chapter 329
200 [17B-1-805](#), as enacted by Laws of Utah 2018, Chapter 154
201 [17B-1-901](#), as last amended by Laws of Utah 2015, Chapter 260
202 [17B-1-902](#), as last amended by Laws of Utah 2018, Chapter 197
203 [17B-1-902.1](#), as enacted by Laws of Utah 2015, Chapter 349
204 [17B-1-903](#), as last amended by Laws of Utah 2015, Chapter 349
205 [17B-1-904](#), as renumbered and amended by Laws of Utah 2007, Chapter 329
206 [17B-1-905](#), as enacted by Laws of Utah 2011, Chapter 106
207 [17B-1-906](#), as enacted by Laws of Utah 2011, Chapter 106
208 [17B-1-1001](#), as last amended by Laws of Utah 2019, Chapter 255
209 [17B-1-1002](#), as last amended by Laws of Utah 2015, Chapter 352
210 [17B-1-1003](#), as last amended by Laws of Utah 2019, Chapter 255
211 [17B-1-1101](#), as last amended by Laws of Utah 2008, Chapter 360
212 [17B-1-1102](#), as last amended by Laws of Utah 2021, Chapters 314 and 415
213 [17B-1-1103](#), as last amended by Laws of Utah 2008, Chapter 360

- 214 **17B-1-1104**, as last amended by Laws of Utah 2008, Chapter 360
- 215 **17B-1-1105**, as enacted by Laws of Utah 2007, Chapter 329
- 216 **17B-1-1107**, as enacted by Laws of Utah 2007, Chapter 329
- 217 **17B-1-1201**, as enacted by Laws of Utah 2007, Chapter 329
- 218 **17B-1-1202**, as enacted by Laws of Utah 2007, Chapter 329
- 219 **17B-1-1204**, as last amended by Laws of Utah 2021, Chapters 84, 345, and 355
- 220 **17B-1-1301**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 221 **17B-1-1302**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 222 **17B-1-1303**, as last amended by Laws of Utah 2017, Chapter 248
- 223 **17B-1-1304**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 224 **17B-1-1305**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 225 **17B-1-1306**, as last amended by Laws of Utah 2017, Chapter 248
- 226 **17B-1-1307**, as last amended by Laws of Utah 2021, Chapters 84, 345, and 355
- 227 **17B-1-1308**, as last amended by Laws of Utah 2017, Chapter 248
- 228 **17B-1-1309**, as enacted by Laws of Utah 2017, Chapter 248
- 229 **17B-1-1310**, as enacted by Laws of Utah 2017, Chapter 248
- 230 **17B-1-1401**, as enacted by Laws of Utah 2007, Chapter 329
- 231 **17B-1-1402**, as last amended by Laws of Utah 2011, Chapter 68
- 232 **17B-1-1403**, as enacted by Laws of Utah 2020, Chapter 122
- 233 **17B-2a-101**, as enacted by Laws of Utah 2007, Chapter 329
- 234 **17B-2a-102**, as last amended by Laws of Utah 2014, Chapter 194
- 235 **17B-2a-104**, as enacted by Laws of Utah 2007, Chapter 329
- 236 **17B-2a-203**, as enacted by Laws of Utah 2007, Chapter 329
- 237 **17B-2a-205**, as enacted by Laws of Utah 2007, Chapter 329
- 238 **17B-2a-209**, as enacted by Laws of Utah 2007, Chapter 329
- 239 **17B-2a-303**, as enacted by Laws of Utah 2007, Chapter 329
- 240 **17B-2a-304**, as enacted by Laws of Utah 2007, Chapter 329
- 241 **17B-2a-402**, as enacted by Laws of Utah 2007, Chapter 329
- 242 **17B-2a-403**, as last amended by Laws of Utah 2016, Chapters 273 and 346
- 243 **17B-2a-502**, as enacted by Laws of Utah 2007, Chapter 329
- 244 **17B-2a-503**, as enacted by Laws of Utah 2007, Chapter 329

245 **17B-2a-602**, as last amended by Laws of Utah 2019, Chapter 430
246 **17B-2a-603**, as enacted by Laws of Utah 2007, Chapter 329
247 **17B-2a-702**, as enacted by Laws of Utah 2007, Chapter 329
248 **17B-2a-703**, as last amended by Laws of Utah 2019, Chapter 37
249 **17B-2a-802**, as last amended by Laws of Utah 2020, Chapter 377
250 **17B-2a-803**, as last amended by Laws of Utah 2016, Chapter 273 and last amended by
251 Coordination Clause, Laws of Utah 2016, Chapter 273
252 **17B-2a-804**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
253 **17B-2a-817**, as last amended by Laws of Utah 2013, Chapter 415
254 **17B-2a-902**, as last amended by Laws of Utah 2014, Chapter 189
255 **17B-2a-903**, as last amended by Laws of Utah 2009, Chapter 218
256 **17B-2a-904**, as enacted by Laws of Utah 2007, Chapter 329
257 **17B-2a-907**, as renumbered and amended by Laws of Utah 2007, Chapter 329
258 **17B-2a-1003**, as last amended by Laws of Utah 2019, Chapter 430
259 **17B-2a-1004**, as last amended by Laws of Utah 2011, Chapter 47
260 **17B-2a-1007**, as last amended by Laws of Utah 2021, Chapter 355
261 **17B-2a-1103**, as last amended by Laws of Utah 2015, Chapter 352
262 **17B-2a-1104**, as last amended by Laws of Utah 2015, Chapter 352
263 **17B-2a-1106**, as last amended by Laws of Utah 2019, Chapter 24
264 **17D-1-102**, as last amended by Laws of Utah 2014, Chapter 377
265 **17D-1-106**, as last amended by Laws of Utah 2020, Chapter 122
266 **17D-1-305**, as enacted by Laws of Utah 2008, Chapter 360
267 **17D-1-601**, as last amended by Laws of Utah 2013, Chapter 371
268 **17D-1-603**, as last amended by Laws of Utah 2013, Chapter 371
269 **17D-1-604**, as enacted by Laws of Utah 2013, Chapter 371
270 **17D-2-102**, as enacted by Laws of Utah 2008, Chapter 360
271 **17D-3-105**, as last amended by Laws of Utah 2020, Chapter 122
272 **17D-4-201**, as renumbered and amended by Laws of Utah 2021, Chapter 314
273 **17D-4-203**, as last amended by Laws of Utah 2021, Chapters 414, 415 and renumbered
274 and amended by Laws of Utah 2021, Chapter 314
275 **17D-4-301**, as renumbered and amended by Laws of Utah 2021, Chapter 314

276 [20A-1-102](#), as last amended by Laws of Utah 2020, Chapters 31, 49, 255, and 354
 277 [20A-1-201](#), as last amended by Laws of Utah 2014, Chapter 362
 278 [20A-1-202](#), as last amended by Laws of Utah 2014, Chapter 362
 279 [20A-1-206](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 15
 280 [20A-1-512](#), as last amended by Laws of Utah 2021, Chapters 77, 84, and 345
 281 [20A-1-513](#), as last amended by Laws of Utah 2021, Chapter 93
 282 [20A-17-103](#), as enacted by Laws of Utah 2015, Chapter 106
 283 [45-1-101](#), as last amended by Laws of Utah 2021, Chapters 84 and 345
 284 [53-2a-602](#), as last amended by Laws of Utah 2016, Chapters 83 and 134
 285 [53-2a-605](#), as last amended by Laws of Utah 2015, Chapter 265
 286 [53B-28-402](#), as last amended by Laws of Utah 2021, Chapter 187
 287 [59-2-919](#), as last amended by Laws of Utah 2021, Chapters 84 and 345
 288 [59-2-1317](#), as last amended by Laws of Utah 2021, Chapter 314
 289 [63A-15-102](#), as renumbered and amended by Laws of Utah 2018, Chapter 461
 290 [63G-6a-103](#), as last amended by Laws of Utah 2021, Chapters 179, 344, and 345
 291 [63G-6a-2402](#), as last amended by Laws of Utah 2017, Chapter 181
 292 [63G-7-401](#), as last amended by Laws of Utah 2021, Chapter 326
 293 [67-1a-6.5](#), as last amended by Laws of Utah 2021, Chapters 162 and 345
 294 [67-1a-15](#), as last amended by Laws of Utah 2020, Chapter 30
 295 [73-5-15](#), as last amended by Laws of Utah 2012, Chapter 97

296

297 *Be it enacted by the Legislature of the state of Utah:*

298 Section 1. Section **8-5-5** is amended to read:

299 **8-5-5. Proceeds of resale of lots.**

300 The proceeds from the subsequent resale of any lot or parcel, title to which has been
 301 revested in the municipality or cemetery maintenance district under Section [8-5-2](#) or [8-5-6](#), less
 302 the costs and expenses incurred in the proceeding, shall become part of the permanent care and
 303 improvement fund of the municipality or cemetery maintenance district, subject to subsequent
 304 disposition under Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, Title 10,
 305 Chapter 6, Uniform Fiscal Procedures Act for Utah Cities, or Title 17B, Chapter 1, Part 6,
 306 Fiscal Procedures for ~~Local~~ Special Districts.

307 Section 2. Section **10-2-401** is amended to read:

308 **10-2-401. Definitions -- Property owner provisions.**

309 (1) As used in this part:

310 (a) "Affected entity" means:

311 (i) a county of the first or second class in whose unincorporated area the area proposed
312 for annexation is located;

313 (ii) a county of the third, fourth, fifth, or sixth class in whose unincorporated area the
314 area proposed for annexation is located, if the area includes residents or commercial or
315 industrial development;

316 (iii) a [~~local~~] special district under Title 17B, Limited Purpose Local Government
317 Entities - [~~Local~~] Special Districts, or special service district under Title 17D, Chapter 1,
318 Special Service District Act, whose boundary includes any part of an area proposed for
319 annexation;

320 (iv) a school district whose boundary includes any part of an area proposed for
321 annexation, if the boundary is proposed to be adjusted as a result of the annexation; and

322 (v) a municipality whose boundaries are within 1/2 mile of an area proposed for
323 annexation.

324 (b) "Annexation petition" means a petition under Section [10-2-403](#) proposing the
325 annexation to a municipality of a contiguous, unincorporated area that is contiguous to the
326 municipality.

327 (c) "Commission" means a boundary commission established under Section [10-2-409](#)
328 for the county in which the property that is proposed for annexation is located.

329 (d) "Expansion area" means the unincorporated area that is identified in an annexation
330 policy plan under Section [10-2-401.5](#) as the area that the municipality anticipates annexing in
331 the future.

332 (e) "Feasibility consultant" means a person or firm with expertise in the processes and
333 economics of local government.

334 (f) "Mining protection area" means the same as that term is defined in Section
335 [17-41-101](#).

336 (g) "Municipal selection committee" means a committee in each county composed of
337 the mayor of each municipality within that county.

338 (h) "Planning advisory area" means the same as that term is defined in Section
339 17-27a-306.

340 (i) "Private," with respect to real property, means not owned by the United States or
341 any agency of the federal government, the state, a county, a municipality, a school district, a
342 [~~local~~] special district under Title 17B, Limited Purpose Local Government Entities - [~~Local~~]
343 Special Districts, a special service district under Title 17D, Chapter 1, Special Service District
344 Act, or any other political subdivision or governmental entity of the state.

345 (j) "Rural real property" means the same as that term is defined in Section
346 17B-2a-1107.

347 (k) "Specified county" means a county of the second, third, fourth, fifth, or sixth class.

348 (l) "Unincorporated peninsula" means an unincorporated area:

349 (i) that is part of a larger unincorporated area;

350 (ii) that extends from the rest of the unincorporated area of which it is a part;

351 (iii) that is surrounded by land that is within a municipality, except where the area
352 connects to and extends from the rest of the unincorporated area of which it is a part; and

353 (iv) whose width, at any point where a straight line may be drawn from a place where it
354 borders a municipality to another place where it borders a municipality, is no more than 25% of
355 the boundary of the area where it borders a municipality.

356 (m) "Urban development" means:

357 (i) a housing development with more than 15 residential units and an average density
358 greater than one residential unit per acre; or

359 (ii) a commercial or industrial development for which cost projections exceed
360 \$750,000 for all phases.

361 (2) For purposes of this part:

362 (a) the owner of real property shall be:

363 (i) except as provided in Subsection (2)(a)(ii), the record title owner according to the
364 records of the county recorder on the date of the filing of the petition or protest; or

365 (ii) the lessee of military land, as defined in Section 63H-1-102, if the area proposed
366 for annexation includes military land that is within a project area described in a project area
367 plan adopted by the military installation development authority under Title 63H, Chapter 1,
368 Military Installation Development Authority Act; and

369 (b) the value of private real property shall be determined according to the last
370 assessment roll for county taxes before the filing of the petition or protest.

371 (3) For purposes of each provision of this part that requires the owners of private real
372 property covering a percentage or majority of the total private land area within an area to sign a
373 petition or protest:

374 (a) a parcel of real property may not be included in the calculation of the required
375 percentage or majority unless the petition or protest is signed by:

376 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority
377 ownership interest in that parcel; or

378 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number
379 of owners of that parcel;

380 (b) the signature of a person signing a petition or protest in a representative capacity on
381 behalf of an owner is invalid unless:

382 (i) the person's representative capacity and the name of the owner the person represents
383 are indicated on the petition or protest with the person's signature; and

384 (ii) the person provides documentation accompanying the petition or protest that
385 substantiates the person's representative capacity; and

386 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a
387 petition or protest on behalf of a deceased owner.

388 Section 3. Section **10-2-406** is amended to read:

389 **10-2-406. Notice of certification -- Providing notice of petition.**

390 (1) After receipt of the notice of certification from the city recorder or town clerk under
391 Subsection **10-2-405**(2)(c)(i), the municipal legislative body shall provide notice:

392 (a) within the area proposed for annexation and the unincorporated area within 1/2 mile
393 of the area proposed for annexation, no later than 10 days after the day on which the municipal
394 legislative body receives the notice of certification:

395 (i) by posting one notice, and at least one additional notice per 2,000 population within
396 the combined area, in places within the combined area that are most likely to give notice to the
397 residents within, and the owners of real property located within, the combined area, subject to a
398 maximum of 10 notices; or

399 (ii) by mailing the notice to each residence within, and to each owner of real property

400 located within, the combined area;

401 (b) by posting notice on the Utah Public Notice Website, created in Section
402 63A-16-601, for three weeks, beginning no later than 10 days after the day on which the
403 municipal legislative body receives the notice of certification;

404 (c) within 20 days after the day on which the municipal legislative body receives the
405 notice of certification, by mailing written notice to each affected entity; and

406 (d) if the municipality has a website, by posting notice on the municipality's website for
407 the period of time described in Subsection (1)(b).

408 (2) The notice described in Subsection (1) shall:

409 (a) state that a petition has been filed with the municipality proposing the annexation of
410 an area to the municipality;

411 (b) state the date of the municipal legislative body's receipt of the notice of certification
412 under Subsection 10-2-405(2)(c)(i);

413 (c) describe the area proposed for annexation in the annexation petition;

414 (d) state that the complete annexation petition is available for inspection and copying at
415 the office of the city recorder or town clerk;

416 (e) state in conspicuous and plain terms that the municipality may grant the petition
417 and annex the area described in the petition unless, within the time required under Subsection
418 10-2-407(2)(a)(i), a written protest to the annexation petition is filed with the commission and
419 a copy of the protest delivered to the city recorder or town clerk of the proposed annexing
420 municipality;

421 (f) state the address of the commission or, if a commission has not yet been created in
422 the county, the county clerk, where a protest to the annexation petition may be filed;

423 (g) state that the area proposed for annexation to the municipality will also
424 automatically be annexed to a ~~[local]~~ special district providing fire protection, paramedic, and
425 emergency services or a ~~[local]~~ special district providing law enforcement service, as the case
426 may be, as provided in Section 17B-1-416, if:

427 (i) the proposed annexing municipality is entirely within the boundaries of a ~~[local]~~
428 special district:

429 (A) that provides fire protection, paramedic, and emergency services or law
430 enforcement service, respectively; and

431 (B) in the creation of which an election was not required because of Subsection
432 17B-1-214(3)(c); and

433 (ii) the area proposed to be annexed to the municipality is not already within the
434 boundaries of the ~~[local]~~ special district; and

435 (h) state that the area proposed for annexation to the municipality will be automatically
436 withdrawn from a ~~[local]~~ special district providing fire protection, paramedic, and emergency
437 services or a ~~[local]~~ special district providing law enforcement service, as the case may be, as
438 provided in Subsection 17B-1-502(2), if:

439 (i) the petition proposes the annexation of an area that is within the boundaries of a
440 ~~[local]~~ special district:

441 (A) that provides fire protection, paramedic, and emergency services or law
442 enforcement service, respectively; and

443 (B) in the creation of which an election was not required because of Subsection
444 17B-1-214(3)(c); and

445 (ii) the proposed annexing municipality is not within the boundaries of the ~~[local]~~
446 special district.

447 (3) (a) The statement required by Subsection (2)(e) shall state the deadline for filing a
448 written protest in terms of the actual date rather than by reference to the statutory citation.

449 (b) In addition to the requirements under Subsection (2), a notice under Subsection (1)
450 for a proposed annexation of an area within a county of the first class shall include a statement
451 that a protest to the annexation petition may be filed with the commission by property owners if
452 it contains the signatures of the owners of private real property that:

453 (i) is located in the unincorporated area within 1/2 mile of the area proposed for
454 annexation;

455 (ii) covers at least 25% of the private land area located in the unincorporated area
456 within 1/2 mile of the area proposed for annexation; and

457 (iii) is equal in value to at least 15% of all real property located in the unincorporated
458 area within 1/2 mile of the area proposed for annexation.

459 Section 4. Section **10-2-412** is amended to read:

460 **10-2-412. Boundary commission authority -- Expenses -- Records.**

461 (1) The boundary commission for each county shall hear and decide, according to the

462 provisions of this part, each protest filed under Section 10-2-407, with respect to an area that is
463 located within that county.

464 (2) A boundary commission may:

465 (a) adopt and enforce rules of procedure for the orderly and fair conduct of its
466 proceedings;

467 (b) authorize a member of the commission to administer oaths if necessary in the
468 performance of the commission's duties;

469 (c) employ staff personnel and professional or consulting services reasonably necessary
470 to enable the commission to carry out its duties; and

471 (d) incur reasonable and necessary expenses to enable the commission to carry out its
472 duties.

473 (3) The legislative body of each county shall, with respect to the boundary commission
474 in that county:

475 (a) furnish the commission necessary quarters, equipment, and supplies;

476 (b) pay necessary operating expenses incurred by the commission; and

477 (c) reimburse the reasonable and necessary expenses incurred by each member
478 appointed under Subsection 10-2-409(2)(a)(iii) or (b)(iii), unless otherwise provided by
479 interlocal agreement.

480 (4) Each county or municipal legislative body shall reimburse the reasonable and
481 necessary expenses incurred by a commission member who is an elected county or municipal
482 officer, respectively.

483 (5) Records, information, and other relevant materials necessary to enable the
484 commission to carry out its duties shall, upon request by the commission, be furnished to the
485 boundary commission by the personnel, employees, and officers of:

486 (a) for a proposed annexation of an area located in a county of the first class:

487 (i) each county, ~~local~~ special district, and special service district whose boundaries
488 include an area that is the subject of a protest under the commission's consideration; and

489 (ii) each municipality whose boundaries may be affected by action of the boundary
490 commission; or

491 (b) for a proposed annexation of an area located in a specified county, each affected
492 entity:

- 493 (i) whose boundaries include any part of the area proposed for annexation; or
494 (ii) that may be affected by action of the boundary commission.

495 Section 5. Section **10-2-413** is amended to read:

496 **10-2-413. Feasibility consultant -- Feasibility study -- Modifications to feasibility**
497 **study.**

498 (1) (a) For a proposed annexation of an area located in a county of the first class, unless
499 a proposed annexing municipality denies an annexation petition under Subsection
500 [10-2-407\(5\)\(a\)\(i\)](#) and except as provided in Subsection (1)(b), the commission shall choose and
501 engage a feasibility consultant within 45 days of:

502 (i) the commission's receipt of a protest under Section [10-2-407](#), if the commission had
503 been created before the filing of the protest; or

504 (ii) the commission's creation, if the commission is created after the filing of a protest.

505 (b) Notwithstanding Subsection (1)(a), the commission may not require a feasibility
506 study with respect to a petition that proposes the annexation of an area that:

507 (i) is undeveloped; and

508 (ii) covers an area that is equivalent to less than 5% of the total land mass of all private
509 real property within the municipality.

510 (2) The commission shall require the feasibility consultant to:

511 (a) complete a feasibility study on the proposed annexation and submit written results
512 of the study to the commission no later than 75 days after the feasibility consultant is engaged
513 to conduct the study;

514 (b) submit with the full written results of the feasibility study a summary of the results
515 no longer than a page in length; and

516 (c) attend the public hearing under Subsection [10-2-415\(1\)](#) and present the feasibility
517 study results and respond to questions at that hearing.

518 (3) (a) Subject to Subsection (4), the feasibility study shall consider:

519 (i) the population and population density within the area proposed for annexation, the
520 surrounding unincorporated area, and, if a protest was filed by a municipality with boundaries
521 within 1/2 mile of the area proposed for annexation, that municipality;

522 (ii) the geography, geology, and topography of and natural boundaries within the area
523 proposed for annexation, the surrounding unincorporated area, and, if a protest was filed by a

- 524 municipality with boundaries within 1/2 mile of the area proposed for annexation, that
525 municipality;
- 526 (iii) whether the proposed annexation eliminates, leaves, or creates an unincorporated
527 island or unincorporated peninsula;
- 528 (iv) whether the proposed annexation will hinder or prevent a future and more logical
529 and beneficial annexation or a future logical and beneficial incorporation;
- 530 (v) the fiscal impact of the proposed annexation on the remaining unincorporated area,
531 other municipalities, ~~local~~ special districts, special service districts, school districts, and other
532 governmental entities;
- 533 (vi) current and five-year projections of demographics and economic base in the area
534 proposed for annexation and surrounding unincorporated area, including household size and
535 income, commercial and industrial development, and public facilities;
- 536 (vii) projected growth in the area proposed for annexation and the surrounding
537 unincorporated area during the next five years;
- 538 (viii) the present and five-year projections of the cost of governmental services in the
539 area proposed for annexation;
- 540 (ix) the present and five-year projected revenue to the proposed annexing municipality
541 from the area proposed for annexation;
- 542 (x) the projected impact the annexation will have over the following five years on the
543 amount of taxes that property owners within the area proposed for annexation, the proposed
544 annexing municipality, and the remaining unincorporated county will pay;
- 545 (xi) past expansion in terms of population and construction in the area proposed for
546 annexation and the surrounding unincorporated area;
- 547 (xii) the extension during the past 10 years of the boundaries of each other municipality
548 near the area proposed for annexation, the willingness of the other municipality to annex the
549 area proposed for annexation, and the probability that another municipality would annex some
550 or all of the area proposed for annexation during the next five years if the annexation did not
551 occur;
- 552 (xiii) the history, culture, and social aspects of the area proposed for annexation and
553 surrounding area;
- 554 (xiv) the method of providing and the entity that has provided municipal-type services

555 in the past to the area proposed for incorporation and the feasibility of municipal-type services
556 being provided by the proposed annexing municipality; and

557 (xv) the effect on each school district whose boundaries include part or all of the area
558 proposed for annexation or the proposed annexing municipality.

559 (b) For purposes of Subsection (3)(a)(ix), the feasibility consultant shall assume ad
560 valorem property tax rates on residential property within the area proposed for annexation at
561 the same level that residential property within the proposed annexing municipality would be
562 without the annexation.

563 (c) For purposes of Subsection (3)(a)(viii), the feasibility consultant shall assume that
564 the level and quality of governmental services that will be provided to the area proposed for
565 annexation in the future is essentially comparable to the level and quality of governmental
566 services being provided within the proposed annexing municipality at the time of the feasibility
567 study.

568 (4) (a) Except as provided in Subsection (4)(b), the commission may modify the depth
569 of study of and detail given to the items listed in Subsection (3)(a) by the feasibility consultant
570 in conducting the feasibility study depending upon:

571 (i) the size of the area proposed for annexation;

572 (ii) the size of the proposed annexing municipality;

573 (iii) the extent to which the area proposed for annexation is developed;

574 (iv) the degree to which the area proposed for annexation is expected to develop and
575 the type of development expected; and

576 (v) the number and type of protests filed against the proposed annexation.

577 (b) Notwithstanding Subsection (4)(a), the commission may not modify the
578 requirement that the feasibility consultant provide a full and complete analysis of the items
579 listed in Subsections (3)(a)(viii), (ix), and (xv).

580 (5) If the results of the feasibility study do not meet the requirements of Subsection
581 10-2-416(3), the feasibility consultant may, as part of the feasibility study, make
582 recommendations as to how the boundaries of the area proposed for annexation may be altered
583 so that the requirements of Subsection 10-2-416(3) may be met.

584 (6) (a) Except as provided in Subsection (6)(b), the feasibility consultant fees and
585 expenses shall be shared equally by the proposed annexing municipality and each entity or

586 group under Subsection 10-2-407(1) that files a protest.

587 (b) (i) Except as provided in Subsection (6)(b)(ii), if a protest is filed by property
588 owners under Subsection 10-2-407(1)(c), the county in which the area proposed for annexation
589 shall pay the owners' share of the feasibility consultant's fees and expenses.

590 (ii) Notwithstanding Subsection (6)(b)(i), if both the county and the property owners
591 file a protest, the county and the proposed annexing municipality shall equally share the
592 property owners' share of the feasibility consultant's fees and expenses.

593 Section 6. Section 10-2-414 is amended to read:

594 **10-2-414. Modified annexation petition -- Supplemental feasibility study.**

595 (1) (a) (i) If the results of the feasibility study with respect to a proposed annexation of
596 an area located in a county of the first class do not meet the requirements of Subsection
597 10-2-416(3), the sponsors of the annexation petition may, within 45 days of the feasibility
598 consultant's submission of the results of the study, file with the city recorder or town clerk of
599 the proposed annexing municipality a modified annexation petition altering the boundaries of
600 the proposed annexation.

601 (ii) On the date of filing a modified annexation petition under Subsection (1)(a)(i), the
602 sponsors of the annexation petition shall deliver or mail a copy of the modified annexation
603 petition to the clerk of the county in which the area proposed for annexation is located.

604 (b) Each modified annexation petition under Subsection (1)(a) shall comply with the
605 requirements of Subsections 10-2-403(3) and (4).

606 (2) (a) Within 20 days of the city recorder or town clerk's receipt of the modified
607 annexation petition, the city recorder or town clerk, as the case may be, shall follow the same
608 procedure for the modified annexation petition as provided under Subsections 10-2-405(2) and
609 (3)(a) for an original annexation petition.

610 (b) If the city recorder or town clerk certifies the modified annexation petition under
611 Subsection 10-2-405(2)(c)(i), the city recorder or town clerk, as the case may be, shall send
612 written notice of the certification to:

613 (i) the commission;

614 (ii) each entity that filed a protest to the annexation petition; and

615 (iii) if a protest was filed under Subsection 10-2-407(1)(c), the contact person.

616 (c) (i) If the modified annexation petition proposes the annexation of an area that

617 includes part or all of a [local] special district, special service district, or school district that
618 was not included in the area proposed for annexation in the original petition, the city recorder
619 or town clerk, as the case may be, shall also send notice of the certification of the modified
620 annexation petition to the board of the [local] special district, special service district, or school
621 district.

622 (ii) If the area proposed for annexation in the modified annexation petition is within
623 1/2 mile of the boundaries of a municipality whose boundaries were not within 1/2 mile of the
624 area proposed for annexation in the original annexation petition, the city recorder or town
625 clerk, as the case may be, shall also send notice of the certification of the modified annexation
626 petition to the legislative body of that municipality.

627 (3) Within 10 days of the commission's receipt of the notice under Subsection (2)(b),
628 the commission shall engage the feasibility consultant that conducted the feasibility study to
629 supplement the feasibility study to take into account the information in the modified
630 annexation petition that was not included in the original annexation petition.

631 (4) The commission shall require the feasibility consultant to complete the
632 supplemental feasibility study and to submit written results of the supplemental study to the
633 commission no later than 30 days after the feasibility consultant is engaged to conduct the
634 supplemental feasibility study.

635 Section 7. Section **10-2-418** is amended to read:

636 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**
637 **Hearing.**

638 (1) As used in Subsection (2)(b)(ii), for purposes of an annexation conducted in
639 accordance with this section of an area located within a county of the first class,
640 "municipal-type services" does not include a service provided by a municipality pursuant to a
641 contract that the municipality has with another political subdivision as "political subdivision" is
642 defined in Section [17B-1-102](#).

643 (2) Notwithstanding Subsection [10-2-402\(2\)](#), a municipality may annex an
644 unincorporated area under this section without an annexation petition if:

645 (a) for an unincorporated area within the expansion area of more than one municipality,
646 each municipality agrees to the annexation; and

647 (b) (i) (A) the area to be annexed consists of one or more unincorporated islands within

648 or unincorporated peninsulas contiguous to the municipality;

649 (B) the majority of each island or peninsula consists of residential or commercial
650 development;

651 (C) the area proposed for annexation requires the delivery of municipal-type services;
652 and

653 (D) the municipality has provided most or all of the municipal-type services to the area
654 for more than one year;

655 (ii) (A) the area to be annexed consists of one or more unincorporated islands within or
656 unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800
657 residents; and

658 (B) the municipality has provided one or more municipal-type services to the area for
659 at least one year;

660 (iii) the area consists of:

661 (A) an unincorporated island within or an unincorporated peninsula contiguous to the
662 municipality; and

663 (B) for an area outside of the county of the first class proposed for annexation, no more
664 than 50 acres; or

665 (iv) (A) the area to be annexed consists only of one or more unincorporated islands in a
666 county of the second class;

667 (B) the area to be annexed is located in the expansion area of a municipality; and

668 (C) the county legislative body in which the municipality is located provides notice to
669 each property owner within the area to be annexed that the county legislative body will hold a
670 public hearing, no less than 15 days after the day on which the county legislative body provides
671 the notice, and may make a recommendation of annexation to the municipality whose
672 expansion area includes the area to be annexed after the public hearing.

673 (3) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a
674 portion of an unincorporated island or unincorporated peninsula under this section, leaving
675 unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:

676 (a) in adopting the resolution under Subsection (5)(a) the municipal legislative body
677 determines that not annexing the entire unincorporated island or unincorporated peninsula is in
678 the municipality's best interest; and

679 (b) for an annexation of one or more unincorporated islands under Subsection (2)(b),
680 the entire island of unincorporated area, of which a portion is being annexed, complies with the
681 requirement of Subsection (2)(b)(ii) relating to the number of residents.

682 (4) (a) This Subsection (4) applies only to an annexation within a county of the first
683 class.

684 (b) A county of the first class shall agree to an annexation if the majority of private
685 property owners within the area to be annexed give written consent to the annexation, in
686 accordance with Subsection (4)(d), to the recorder of the annexing municipality.

687 (c) For purposes of Subsection (4)(b), the majority of private property owners is
688 property owners who own:

689 (i) the majority of the total private land area within the area proposed for annexation;
690 and

691 (ii) private real property equal to at least 1/2 the value of private real property within
692 the area proposed for annexation.

693 (d) A property owner consenting to annexation shall indicate the property owner's
694 consent on a form which includes language in substantially the following form:

695 "Notice: If this written consent is used to proceed with an annexation of your property
696 in accordance with Utah Code Section 10-2-418, no public election is required by law to
697 approve the annexation. If you sign this consent and later decide you do not want to support
698 the annexation of your property, you may withdraw your signature by submitting a signed,
699 written withdrawal with the recorder or clerk of [name of annexing municipality]. If you
700 choose to withdraw your signature, you must do so no later than the close of the public hearing
701 on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(d)."

702 (e) A private property owner may withdraw the property owner's signature indicating
703 consent by submitting a signed, written withdrawal with the recorder or clerk no later than the
704 close of the public hearing held in accordance with Subsection (5)(b).

705 (5) The legislative body of each municipality intending to annex an area under this
706 section shall:

707 (a) adopt a resolution indicating the municipal legislative body's intent to annex the
708 area, describing the area proposed to be annexed; and

709 (b) hold a public hearing on the proposed annexation no earlier than 30 days after the

710 adoption of the resolution described in Subsection (5)(a).

711 (6) A legislative body described in Subsection (5) shall provide notice of a public
712 hearing described in Subsection (5)(b):

713 (a) (i) at least three weeks before the day of the public hearing, by posting one notice,
714 and at least one additional notice per 2,000 population in the municipality and the area
715 proposed for annexation, in places within the combined area that are most likely to give notice
716 to the residents within, and the owners of real property located within, the combined area,
717 subject to a maximum of 10 notices; or

718 (ii) at least three weeks before the day of the public hearing, by mailing notice to each
719 residence within, and each owner of real property located within, the combined area described
720 in Subsection (6)(a)(i);

721 (b) by posting notice on the Utah Public Notice Website, created in Section
722 [63A-16-601](#), for three weeks before the day of the public hearing;

723 (c) by sending written notice to:

724 (i) the board of each ~~local~~ special district and special service district whose
725 boundaries contain some or all of the area proposed for annexation; and

726 (ii) the legislative body of the county in which the area proposed for annexation is
727 located; and

728 (d) if the municipality has a website, by posting notice on the municipality's website for
729 three weeks before the day of the public hearing.

730 (7) The legislative body of the annexing municipality shall ensure that:

731 (a) each notice described in Subsection (6):

732 (i) states that the municipal legislative body has adopted a resolution indicating the
733 municipality's intent to annex the area proposed for annexation;

734 (ii) states the date, time, and place of the public hearing described in Subsection (5)(b);

735 (iii) describes the area proposed for annexation; and

736 (iv) except for an annexation that meets the requirements of Subsection (8)(b) or (c),
737 states in conspicuous and plain terms that the municipal legislative body will annex the area
738 unless, at or before the public hearing described in Subsection (5)(b), written protests to the
739 annexation are filed by the owners of private real property that:

740 (A) is located within the area proposed for annexation;

741 (B) covers a majority of the total private land area within the entire area proposed for
742 annexation; and

743 (C) is equal in value to at least 1/2 the value of all private real property within the
744 entire area proposed for annexation; and

745 (b) the first publication of the notice described in Subsection (6)(a) occurs within 14
746 days after the day on which the municipal legislative body adopts a resolution under Subsection
747 (5)(a).

748 (8) (a) Except as provided in Subsections (8)(b)(i) and (8)(c)(i), upon conclusion of the
749 public hearing described in Subsection (5)(b), the municipal legislative body may adopt an
750 ordinance approving the annexation of the area proposed for annexation under this section
751 unless, at or before the hearing, written protests to the annexation have been filed with the
752 recorder or clerk of the municipality by the owners of private real property that:

753 (i) is located within the area proposed for annexation;

754 (ii) covers a majority of the total private land area within the entire area proposed for
755 annexation; and

756 (iii) is equal in value to at least 1/2 the value of all private real property within the
757 entire area proposed for annexation.

758 (b) (i) Notwithstanding Subsection (8)(a), upon conclusion of the public hearing
759 described in Subsection (5)(b), a municipality may adopt an ordinance approving the
760 annexation of the area proposed for annexation under this section without allowing or
761 considering protests under Subsection (8)(a) if the owners of at least 75% of the total private
762 land area within the entire area proposed for annexation, representing at least 75% of the value
763 of the private real property within the entire area proposed for annexation, have consented in
764 writing to the annexation.

765 (ii) Upon the effective date under Section [10-2-425](#) of an annexation approved by an
766 ordinance adopted under Subsection (8)(b)(i), the area annexed is conclusively presumed to be
767 validly annexed.

768 (c) (i) Notwithstanding Subsection (8)(a), upon conclusion of the public hearing
769 described in Subsection (5)(b), a municipality may adopt an ordinance approving the
770 annexation of an area that the county legislative body proposes for annexation under this
771 section without allowing or considering protests under Subsection (8)(a) if the county

772 legislative body has formally recommended annexation to the annexing municipality and has
773 made a formal finding that:

774 (A) the area to be annexed can be more efficiently served by the municipality than by
775 the county;

776 (B) the area to be annexed is not likely to be naturally annexed by the municipality in
777 the future as the result of urban development;

778 (C) annexation of the area is likely to facilitate the consolidation of overlapping
779 functions of local government; and

780 (D) annexation of the area is likely to result in an equitable distribution of community
781 resources and obligations.

782 (ii) The county legislative body may base the finding required in Subsection
783 (8)(c)(i)(B) on:

784 (A) existing development in the area;

785 (B) natural or other conditions that may limit the future development of the area; or

786 (C) other factors that the county legislative body considers relevant.

787 (iii) A county legislative body may make the recommendation for annexation required
788 in Subsection (8)(c)(i) for only a portion of an unincorporated island if, as a result of
789 information provided at the public hearing, the county legislative body makes a formal finding
790 that it would be equitable to leave a portion of the island unincorporated.

791 (iv) If a county legislative body has made a recommendation of annexation under
792 Subsection (8)(c)(i):

793 (A) the relevant municipality is not required to proceed with the recommended
794 annexation; and

795 (B) if the relevant municipality proceeds with annexation, the municipality shall annex
796 the entire area that the county legislative body recommended for annexation.

797 (v) Upon the effective date under Section [10-2-425](#) of an annexation approved by an
798 ordinance adopted under Subsection (8)(c)(i), the area annexed is conclusively presumed to be
799 validly annexed.

800 (9) (a) Except as provided in Subsections (8)(b)(i) and (8)(c)(i), if protests are timely
801 filed under Subsection (8)(a), the municipal legislative body may not adopt an ordinance
802 approving the annexation of the area proposed for annexation, and the annexation proceedings

803 under this section shall be considered terminated.

804 (b) Subsection (9)(a) does not prohibit the municipal legislative body from excluding
805 from a proposed annexation under Subsection (2)(b) the property within an unincorporated
806 island regarding which protests have been filed and proceeding under Subsection (3) to annex
807 some or all of the remaining portion of the unincorporated island.

808 Section 8. Section **10-2-419** is amended to read:

809 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

810 (1) The legislative bodies of two or more municipalities having common boundaries
811 may adjust their common boundaries as provided in this section.

812 (2) The legislative body of each municipality intending to adjust a boundary that is
813 common with another municipality shall:

814 (a) adopt a resolution indicating the intent of the municipal legislative body to adjust a
815 common boundary; and

816 (b) hold a public hearing on the proposed adjustment no less than 60 days after the
817 adoption of the resolution under Subsection (2)(a).

818 (3) A legislative body described in Subsection (2) shall provide notice of a public
819 hearing described in Subsection (2)(b):

820 (a) (i) at least three weeks before the day of the public hearing, by posting one notice,
821 and at least one additional notice per 2,000 population of the municipality, in places within the
822 municipality that are most likely to give notice to residents of the municipality, subject to a
823 maximum of 10 notices; or

824 (ii) at least three weeks before the day of the public hearing, by mailing notice to each
825 residence in the municipality;

826 (b) by posting notice on the Utah Public Notice Website, created in Section
827 [63A-16-601](#), for three weeks before the day of the public hearing;

828 (c) if the proposed boundary adjustment may cause any part of real property owned by
829 the state to be within the geographic boundary of a different local governmental entity than
830 before the adjustment, by providing written notice, at least 50 days before the day of the public
831 hearing, to:

832 (i) the title holder of any state-owned real property described in this Subsection (3)(d);

833 and

834 (ii) the Utah State Developmental Center Board, created under Section 62A-5-202.5, if
835 any state-owned real property described in this Subsection (3)(d) is associated with the Utah
836 State Developmental Center; and

837 (d) if the municipality has a website, by posting notice on the municipality's website for
838 three weeks before the day of the public hearing.

839 (4) The notice described in Subsection (3) shall:

840 (a) state that the municipal legislative body has adopted a resolution indicating the
841 municipal legislative body's intent to adjust a boundary that the municipality has in common
842 with another municipality;

843 (b) describe the area proposed to be adjusted;

844 (c) state the date, time, and place of the public hearing described in Subsection (2)(b);

845 (d) state in conspicuous and plain terms that the municipal legislative body will adjust
846 the boundaries unless, at or before the public hearing described in Subsection (2)(b), a written
847 protest to the adjustment is filed by:

848 (i) an owner of private real property that:

849 (A) is located within the area proposed for adjustment;

850 (B) covers at least 25% of the total private land area within the area proposed for
851 adjustment; and

852 (C) is equal in value to at least 15% of the value of all private real property within the
853 area proposed for adjustment; or

854 (ii) a title holder of state-owned real property described in Subsection (3)(d);

855 (e) state that the area that is the subject of the boundary adjustment will, because of the
856 boundary adjustment, be automatically annexed to a ~~[local]~~ special district providing fire
857 protection, paramedic, and emergency services or a ~~[local]~~ special district providing law
858 enforcement service, as the case may be, as provided in Section 17B-1-416, if:

859 (i) the municipality to which the area is being added because of the boundary
860 adjustment is entirely within the boundaries of a ~~[local]~~ special district:

861 (A) that provides fire protection, paramedic, and emergency services or law
862 enforcement service, respectively; and

863 (B) in the creation of which an election was not required because of Subsection
864 17B-1-214(3)(c); and

865 (ii) the municipality from which the area is being taken because of the boundary
866 adjustment is not within the boundaries of the [toeat] special district; and

867 (f) state that the area proposed for annexation to the municipality will be automatically
868 withdrawn from a [toeat] special district providing fire protection, paramedic, and emergency
869 services, as provided in Subsection 17B-1-502(2), if:

870 (i) the municipality to which the area is being added because of the boundary
871 adjustment is not within the boundaries of a [toeat] special district:

872 (A) that provides fire protection, paramedic, and emergency services; and

873 (B) in the creation of which an election was not required because of Subsection
874 17B-1-214(3)(c); and

875 (ii) the municipality from which the area is being taken because of the boundary
876 adjustment is entirely within the boundaries of the [toeat] special district.

877 (5) Upon conclusion of the public hearing described in Subsection (2)(b), the
878 municipal legislative body may adopt an ordinance approving the adjustment of the common
879 boundary unless, at or before the hearing described in Subsection (2)(b), a written protest to the
880 adjustment is filed with the city recorder or town clerk by a person described in Subsection
881 (3)(d)(i) or (ii).

882 (6) The municipal legislative body shall comply with the requirements of Section
883 10-2-425 as if the boundary adjustment were an annexation.

884 (7) (a) An ordinance adopted under Subsection (5) becomes effective when each
885 municipality involved in the boundary adjustment has adopted an ordinance under Subsection
886 (5).

887 (b) The effective date of a boundary adjustment under this section is governed by
888 Section 10-2-425.

889 Section 9. Section 10-2-425 is amended to read:

890 **10-2-425. Filing of notice and plat -- Recording and notice requirements --**
891 **Effective date of annexation or boundary adjustment.**

892 (1) The legislative body of each municipality that enacts an ordinance under this part
893 approving the annexation of an unincorporated area or the adjustment of a boundary, or the
894 legislative body of an eligible city, as defined in Section 10-2a-403, that annexes an
895 unincorporated island upon the results of an election held in accordance with Section

896 10-2a-404, shall:

897 (a) within 60 days after enacting the ordinance or the day of the election or, in the case
898 of a boundary adjustment, within 60 days after each of the municipalities involved in the
899 boundary adjustment has enacted an ordinance, file with the lieutenant governor:

900 (i) a notice of an impending boundary action, as defined in Section 67-1a-6.5, that
901 meets the requirements of Subsection 67-1a-6.5(3); and

902 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5;

903 (b) upon the lieutenant governor's issuance of a certificate of annexation or boundary
904 adjustment, as the case may be, under Section 67-1a-6.5:

905 (i) if the annexed area or area subject to the boundary adjustment is located within the
906 boundary of a single county, submit to the recorder of that county the original notice of an
907 impending boundary action, the original certificate of annexation or boundary adjustment, the
908 original approved final local entity plat, and a certified copy of the ordinance approving the
909 annexation or boundary adjustment; or

910 (ii) if the annexed area or area subject to the boundary adjustment is located within the
911 boundaries of more than a single county:

912 (A) submit to the recorder of one of those counties the original notice of impending
913 boundary action, the original certificate of annexation or boundary adjustment, and the original
914 approved final local entity plat;

915 (B) submit to the recorder of each other county a certified copy of the documents listed
916 in Subsection (1)(b)(ii)(A); and

917 (C) submit a certified copy of the ordinance approving the annexation or boundary
918 adjustment to each county described in Subsections (1)(b)(ii)(A) and (B); and

919 (c) concurrently with Subsection (1)(b):

920 (i) send notice of the annexation or boundary adjustment to each affected entity; and

921 (ii) in accordance with Section 26-8a-414, file with the Department of Health:

922 (A) a certified copy of the ordinance approving the annexation of an unincorporated
923 area or the adjustment of a boundary; and

924 (B) a copy of the approved final local entity plat.

925 (2) If an annexation or boundary adjustment under this part or Chapter 2a, Part 4,
926 Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class

927 on and after May 12, 2015, also causes an automatic annexation to a [local] special district
928 under Section 17B-1-416 or an automatic withdrawal from a [local] special district under
929 Subsection 17B-1-502(2), the municipal legislative body shall, as soon as practicable after the
930 lieutenant governor issues a certificate of annexation or boundary adjustment under Section
931 67-1a-6.5, send notice of the annexation or boundary adjustment to the [local] special district to
932 which the annexed area is automatically annexed or from which the annexed area is
933 automatically withdrawn.

934 (3) Each notice required under Subsection (1) relating to an annexation or boundary
935 adjustment shall state the effective date of the annexation or boundary adjustment, as
936 determined under Subsection (4).

937 (4) An annexation or boundary adjustment under this part is completed and takes
938 effect:

939 (a) for the annexation of or boundary adjustment affecting an area located in a county
940 of the first class, except for an annexation under Section 10-2-418:

941 (i) July 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a
942 certificate of annexation or boundary adjustment if:

943 (A) the certificate is issued during the preceding November 1 through April 30; and

944 (B) the requirements of Subsection (1) are met before that July 1; or

945 (ii) January 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a
946 certificate of annexation or boundary adjustment if:

947 (A) the certificate is issued during the preceding May 1 through October 31; and

948 (B) the requirements of Subsection (1) are met before that January 1; and

949 (b) subject to Subsection (5), for all other annexations and boundary adjustments, the
950 date of the lieutenant governor's issuance, under Section 67-1a-6.5, of a certificate of
951 annexation or boundary adjustment.

952 (5) If an annexation of an unincorporated island is based upon the results of an election
953 held in accordance with Section 10-2a-404:

954 (a) the county and the annexing municipality may agree to a date on which the
955 annexation is complete and takes effect; and

956 (b) the lieutenant governor shall issue, under Section 67-1a-6.5, a certification of
957 annexation on the date agreed to under Subsection (5)(a).

958 (6) (a) As used in this Subsection (6):

959 (i) "Affected area" means:

960 (A) in the case of an annexation, the annexed area; and

961 (B) in the case of a boundary adjustment, any area that, as a result of the boundary
962 adjustment, is moved from within the boundary of one municipality to within the boundary of
963 another municipality.

964 (ii) "Annexing municipality" means:

965 (A) in the case of an annexation, the municipality that annexes an unincorporated area;
966 and

967 (B) in the case of a boundary adjustment, a municipality whose boundary includes an
968 affected area as a result of a boundary adjustment.

969 (b) The effective date of an annexation or boundary adjustment for purposes of
970 assessing property within an affected area is governed by Section 59-2-305.5.

971 (c) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the
972 recorder of each county in which the property is located, a municipality may not:

973 (i) levy or collect a property tax on property within an affected area;

974 (ii) levy or collect an assessment on property within an affected area; or

975 (iii) charge or collect a fee for service provided to property within an affected area,
976 unless the municipality was charging and collecting the fee within that area immediately before
977 annexation.

978 Section 10. Section 10-2-428 is amended to read:

979 **10-2-428. Neither annexation nor boundary adjustment has an effect on the**
980 **boundaries of most special districts or special service districts.**

981 Except as provided in Section 17B-1-416 and Subsection 17B-1-502(2), the annexation
982 of an unincorporated area by a municipality or the adjustment of a boundary shared by
983 municipalities does not affect the boundaries of a [~~local~~] special district under Title 17B,
984 Limited Purpose Local Government Entities - [~~Local~~] Special Districts, or a special service
985 district under Title 17D, Chapter 1, Special Service District Act.

986 Section 11. Section 10-2a-205 is amended to read:

987 **10-2a-205. Feasibility study -- Feasibility study consultant -- Qualifications for**
988 **proceeding with incorporation.**

989 (1) Within 90 days after the day on which the lieutenant governor receives a request
990 that the lieutenant governor certifies under Subsection 10-2a-204(1)(b)(i), the lieutenant
991 governor shall engage a feasibility consultant selected, in accordance with Subsection (2), to
992 conduct a feasibility study.

993 (2) (a) The lieutenant governor shall select a feasibility consultant in accordance with
994 Title 63G, Chapter 6a, Utah Procurement Code.

995 (b) The lieutenant governor shall ensure that a feasibility consultant selected under
996 Subsection (2)(a):

997 (i) has expertise in the processes and economics of local government; and

998 (ii) is not affiliated with:

999 (A) a sponsor of the feasibility study request to which the feasibility study relates; or

1000 (B) the county in which the proposed municipality is located.

1001 (3) The lieutenant governor shall require the feasibility consultant to:

1002 (a) submit a draft of the feasibility study to each applicable person with whom the
1003 feasibility consultant is required to consult under Subsection (4)(c) within 90 days after the day
1004 on which the lieutenant governor engages the feasibility consultant to conduct the study;

1005 (b) allow each person to whom the consultant provides a draft under Subsection (3)(a)
1006 to review and provide comment on the draft;

1007 (c) submit a completed feasibility study, including a one-page summary of the results,
1008 to the following within 120 days after the day on which the lieutenant governor engages the
1009 feasibility consultant to conduct the study:

1010 (i) the lieutenant governor;

1011 (ii) the county legislative body of the county in which the incorporation is proposed;

1012 (iii) the contact sponsor; and

1013 (iv) each person to whom the consultant provided a draft under Subsection (3)(a); and

1014 (d) attend the public hearings described in Section 10-2a-207 to present the feasibility
1015 study results and respond to questions from the public.

1016 (4) (a) The feasibility consultant shall ensure that the feasibility study includes:

1017 (i) an analysis of the population and population density within the area proposed for
1018 incorporation and the surrounding area;

1019 (ii) the current and projected five-year demographics and tax base within the

1020 boundaries of the proposed municipality and surrounding area, including household size and
1021 income, commercial and industrial development, and public facilities;

1022 (iii) subject to Subsection (4)(b), the current and five-year projected cost of providing
1023 municipal services to the proposed municipality, including administrative costs;

1024 (iv) assuming the same tax categories and tax rates as currently imposed by the county
1025 and all other current service providers, the present and five-year projected revenue for the
1026 proposed municipality;

1027 (v) an analysis of the risks and opportunities that might affect the actual costs described
1028 in Subsection (4)(a)(iii) or revenues described in Subsection (4)(a)(iv) of the newly
1029 incorporated municipality;

1030 (vi) an analysis of new revenue sources that may be available to the newly incorporated
1031 municipality that are not available before the area incorporates, including an analysis of the
1032 amount of revenues the municipality might obtain from those revenue sources;

1033 (vii) the projected tax burden per household of any new taxes that may be levied within
1034 the proposed municipality within five years after incorporation;

1035 (viii) the fiscal impact of the municipality's incorporation on unincorporated areas,
1036 other municipalities, ~~local~~ special districts, special service districts, and other governmental
1037 entities in the county; and

1038 (ix) if the lieutenant governor excludes property from the proposed municipality under
1039 Section [10-2a-203](#), an update to the map and legal description described in Subsection
1040 [10-2a-202\(1\)\(e\)](#).

1041 (b) (i) For purposes of Subsection (4)(a)(iii), the feasibility consultant shall assume the
1042 proposed municipality will provide a level and quality of municipal services that fairly and
1043 reasonably approximate the level and quality of municipal services that are provided to the area
1044 of the proposed municipality at the time the feasibility consultant conducts the feasibility study.

1045 (ii) In determining the present cost of a municipal service, the feasibility consultant
1046 shall consider:

1047 (A) the amount it would cost the proposed municipality to provide the municipal
1048 service for the first five years after the municipality's incorporation; and

1049 (B) the current municipal service provider's present and five-year projected cost of
1050 providing the municipal service.

1051 (iii) In calculating costs under Subsection (4)(a)(iii), the feasibility consultant shall
1052 account for inflation and anticipated growth.

1053 (c) In conducting the feasibility study, the feasibility consultant shall consult with the
1054 following before submitting a draft of the feasibility study under Subsection (3)(a):

1055 (i) if the proposed municipality will include lands owned by the United States federal
1056 government, the entity within the United States federal government that has jurisdiction over
1057 the land;

1058 (ii) if the proposed municipality will include lands owned by the state, the entity within
1059 state government that has jurisdiction over the land;

1060 (iii) each entity that provides a municipal service to a portion of the proposed
1061 municipality; and

1062 (iv) any other special service district that provides services to a portion of the proposed
1063 municipality.

1064 (5) If the five-year projected revenues calculated under Subsection (4)(a)(iv) exceed the
1065 five-year projected costs calculated under Subsection (4)(a)(iii) by more than 5%, the
1066 feasibility consultant shall project and report the expected annual revenue surplus to the contact
1067 sponsor and the lieutenant governor.

1068 (6) (a) Except as provided in Subsection (6)(b), if the results of the feasibility study, or
1069 a supplemental feasibility study described in Section [10-2a-206](#), show that the average annual
1070 amount of revenue calculated under Subsection (4)(a)(iv) does not exceed the average annual
1071 cost calculated under Subsection (4)(a)(iii) by more than 5%, the process to incorporate the
1072 area that is the subject of the feasibility study or supplemental feasibility study may not
1073 proceed.

1074 (b) The process to incorporate an area described in Subsection (6)(a) may proceed if a
1075 subsequent supplemental feasibility study conducted under Section [10-2a-206](#) for the proposed
1076 incorporation demonstrates compliance with Subsection (6)(a).

1077 (7) If the results of the feasibility study or revised feasibility study do not comply with
1078 Subsection (6), and if requested by the sponsors of the request, the feasibility consultant shall,
1079 as part of the feasibility study or revised feasibility study, make recommendations regarding
1080 how the boundaries of the proposed municipality may be altered to comply with Subsection
1081 (6).

1082 (8) The lieutenant governor shall post a copy of the feasibility study, and any
1083 supplemental feasibility study described in Section 10-2a-206, on the lieutenant governor's
1084 website and make a copy available for public review at the Office of the Lieutenant Governor.

1085 Section 12. Section 10-2a-210 is amended to read:

1086 **10-2a-210. Incorporation election -- Notice of election -- Voter information**
1087 **pamphlet.**

1088 (1) (a) If the lieutenant governor certifies a petition under Subsection 10-2a-209(1)(b),
1089 the lieutenant governor shall schedule an incorporation election for the proposed municipality
1090 described in the petition to be held on the date of the next regular general election described in
1091 Section 20A-1-201, or the next municipal general election described in Section 20A-1-202, that
1092 is at least 65 days after the day on which the lieutenant governor certifies the petition.

1093 (b) (i) The lieutenant governor shall direct the county legislative body of the county in
1094 which the proposed municipality is located to hold the election on the date that the lieutenant
1095 governor schedules under Subsection (1)(a).

1096 (ii) The county shall hold the election as directed by the lieutenant governor under
1097 Subsection (1)(b)(i).

1098 (2) The county clerk shall provide notice of the election:

1099 (a) (i) by publishing notice in a newspaper of general circulation within the area
1100 proposed to be incorporated at least once a week for three successive weeks before the election;

1101 (ii) at least three weeks before the day of the election, by posting one notice, and at
1102 least one additional notice per 2,000 population of the area proposed to be incorporated, in
1103 places within the area proposed to be incorporated that are most likely to give notice to the
1104 voters within the area proposed to be incorporated, subject to a maximum of 10 notices; or

1105 (iii) at least three weeks before the day of the election, by mailing notice to each
1106 registered voter in the area proposed to be incorporated;

1107 (b) by posting notice on the Utah Public Notice Website, created in Section
1108 63A-16-601, for three weeks before the day of the election;

1109 (c) if the proposed municipality has a website, by posting notice on the proposed
1110 municipality's website for three weeks before the day of the election; and

1111 (d) by posting notice on the county's website for three weeks before the day of the
1112 election.

1113 (3) (a) The notice required by Subsection (2) shall contain:

1114 (i) a statement of the contents of the petition;

1115 (ii) a description of the area proposed to be incorporated as a municipality;

1116 (iii) a statement of the date and time of the election and the location of polling places;

1117 and

1118 (iv) except as provided in Subsection (3)(b), the feasibility study summary described in
1119 Subsection 10-2a-205(3)(c) and a statement that a full copy of the study is available on the
1120 lieutenant governor's website and for inspection at the Office of the Lieutenant Governor.

1121 (b) Instead of including the feasibility summary under Subsection (3)(a)(iv), the notice
1122 may include a statement that specifies the following sources where a registered voter in the area
1123 proposed to be incorporated may view or obtain a copy of the feasibility study:

1124 (i) the lieutenant governor's website;

1125 (ii) the physical address of the Office of the Lieutenant Governor; and

1126 (iii) a mailing address and telephone number.

1127 (4) (a) In addition to the notice required under Subsection (2), the county clerk shall
1128 publish and distribute, before the incorporation election is held, a voter information pamphlet:

1129 (i) in accordance with the procedures and requirements of Section 20A-7-402;

1130 (ii) in consultation with the lieutenant governor; and

1131 (iii) in a manner that the county clerk determines is adequate, subject to Subsections
1132 (4)(a)(i) and (ii).

1133 (b) The voter information pamphlet described in Subsection (4)(a):

1134 (i) shall inform the public of the proposed incorporation; and

1135 (ii) may include written statements, printed in the same font style and point size, from
1136 proponents and opponents of the proposed incorporation.

1137 (5) An individual may not vote in an incorporation election under this section unless
1138 the individual is a registered voter who [~~resides~~] is a resident, as defined in Section 20A-1-102,
1139 within the boundaries of the proposed municipality.

1140 (6) If a majority of those who vote in an incorporation election held under this section
1141 cast votes in favor of incorporation, the area shall incorporate.

1142 Section 13. Section 10-2a-404 is amended to read:

1143 **10-2a-404. Election.**

1144 (1) (a) Notwithstanding Section 20A-1-203, a county of the first class shall hold a local
1145 special election on November 3, 2015, on the following ballot propositions:

1146 (i) for registered voters residing within a planning township:

1147 (A) whether the planning township shall be incorporated as a city or town, according to
1148 the classifications of Section 10-2-301, or as a metro township; and

1149 (B) if the planning township incorporates as a metro township, whether the metro
1150 township is included in a municipal services district; and

1151 (ii) for registered voters residing within an unincorporated island, whether the island
1152 should maintain its unincorporated status or be annexed into an eligible city.

1153 (b) (i) A metro township incorporated under this part shall be governed by the
1154 five-member council in accordance with Chapter 3b, Part 5, Metro Township Council Form of
1155 Municipal Government.

1156 (ii) A city or town incorporated under this part shall be governed by the five-member
1157 council form of government as defined in Section 10-3b-102.

1158 (2) Unless a person is a registered voter who [~~resides~~] is a resident, as defined in
1159 Section 20A-1-102, within the boundaries of a planning township or an unincorporated island,
1160 the person may not vote on the proposed incorporation or annexation.

1161 (3) The county clerk shall post notice of the election on the Utah Public Notice
1162 Website, created in Section 63A-16-601, for three weeks before the election.

1163 (4) The notice required by Subsection (3) shall contain:

1164 (a) for residents of a planning township:

1165 (i) a statement that the voters will vote:

1166 (A) to incorporate as a city or town, according to the classifications of Section
1167 10-2-301, or as a metro township; and

1168 (B) if the planning township incorporates as a metro township, whether the metro
1169 township is included in a municipal services district;

1170 (ii) if applicable under Subsection 10-2a-405(5), a map showing the alteration to the
1171 planning township boundaries that would be effective upon incorporation;

1172 (iii) a statement that if the residents of the planning township elect to incorporate:

1173 (A) as a metro township, the metro township shall be governed by a five-member

1174 metro township council in accordance with Chapter 3b, Part 5, Metro Township Council Form

1175 of Municipal Government; or

1176 (B) as a city or town, the city or town shall be governed by the five-member council
1177 form of government as defined in Section 10-3b-102; and

1178 (iv) a statement of the date and time of the election and the location of polling places;

1179 (b) for residents of an unincorporated island:

1180 (i) a statement that the voters will vote either to be annexed into an eligible city or
1181 maintain unincorporated status; and

1182 (ii) a statement of the eligible city, as determined by the county legislative body in
1183 accordance with Section 10-2a-405, the unincorporated island may elect to be annexed by; and

1184 (c) a statement of the date and time of the election and the location of polling places.

1185 (5) (a) In addition to the notice required under Subsection (3), the county clerk shall
1186 post at least one notice of the election per 1,000 population in conspicuous places within the
1187 planning township or unincorporated island that are most likely to give notice of the election to
1188 the voters of the proposed incorporation or annexation, subject to a maximum of 10 notices.

1189 (b) The clerk shall post the notices under Subsection (5)(a) at least seven days before
1190 the election under Subsection (1).

1191 (6) (a) In a planning township, if a majority of those casting votes within the planning
1192 township vote to:

1193 (i) incorporate as a city or town, the planning township shall incorporate as a city or
1194 town, respectively; or

1195 (ii) incorporate as a metro township, the planning township shall incorporate as a metro
1196 township.

1197 (b) If a majority of those casting votes within the planning township vote to incorporate
1198 as a metro township, and a majority of those casting votes vote to include the metro township
1199 in a municipal services district and limit the metro township's municipal powers, the metro
1200 township shall be included in a municipal services district and have limited municipal powers.

1201 (c) In an unincorporated island, if a majority of those casting a vote within the selected
1202 unincorporated island vote to:

1203 (i) be annexed by the eligible city, the area shall be annexed by the eligible city; or

1204 (ii) remain an unincorporated area, the area shall remain unincorporated.

1205 (7) The county shall, in consultation with interested parties, prepare and provide

1206 information on an annexation or incorporation subject to this part and an election held in
1207 accordance with this section.

1208 Section 14. Section **10-3c-102** is amended to read:

1209 **10-3c-102. Definitions.**

1210 As used in this chapter:

1211 (1) "Municipal services district" means a [~~local~~] special district created in accordance
1212 with Title 17B, Chapter 2a, Part 11, Municipal Services District Act.

1213 (2) "Metro township" means a metro township incorporated in accordance with
1214 Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County
1215 of the First Class on and after May 12, 2015.

1216 Section 15. Section **10-9a-103** is amended to read:

1217 **10-9a-103. Definitions.**

1218 As used in this chapter:

1219 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
1220 detached from a primary single-family dwelling and contained on one lot.

1221 (2) "Adversely affected party" means a person other than a land use applicant who:

1222 (a) owns real property adjoining the property that is the subject of a land use
1223 application or land use decision; or

1224 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
1225 general community as a result of the land use decision.

1226 (3) "Affected entity" means a county, municipality, [~~local~~] special district, special
1227 service district under Title 17D, Chapter 1, Special Service District Act, school district,
1228 interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,
1229 specified public utility, property owner, property owners association, or the Utah Department
1230 of Transportation, if:

1231 (a) the entity's services or facilities are likely to require expansion or significant
1232 modification because of an intended use of land;

1233 (b) the entity has filed with the municipality a copy of the entity's general or long-range
1234 plan; or

1235 (c) the entity has filed with the municipality a request for notice during the same
1236 calendar year and before the municipality provides notice to an affected entity in compliance

1237 with a requirement imposed under this chapter.

1238 (4) "Affected owner" means the owner of real property that is:

1239 (a) a single project;

1240 (b) the subject of a land use approval that sponsors of a referendum timely challenged

1241 in accordance with Subsection 20A-7-601(5); and

1242 (c) determined to be legally referable under Section 20A-7-602.8.

1243 (5) "Appeal authority" means the person, board, commission, agency, or other body

1244 designated by ordinance to decide an appeal of a decision of a land use application or a

1245 variance.

1246 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or

1247 residential property if the sign is designed or intended to direct attention to a business, product, or

1248 service that is not sold, offered, or existing on the property where the sign is located.

1249 (7) (a) "Charter school" means:

1250 (i) an operating charter school;

1251 (ii) a charter school applicant that a charter school authorizer approves in accordance

1252 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

1253 (iii) an entity that is working on behalf of a charter school or approved charter

1254 applicant to develop or construct a charter school building.

1255 (b) "Charter school" does not include a therapeutic school.

1256 (8) "Conditional use" means a land use that, because of the unique characteristics or

1257 potential impact of the land use on the municipality, surrounding neighbors, or adjacent land

1258 uses, may not be compatible in some areas or may be compatible only if certain conditions are

1259 required that mitigate or eliminate the detrimental impacts.

1260 (9) "Constitutional taking" means a governmental action that results in a taking of

1261 private property so that compensation to the owner of the property is required by the:

1262 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

1263 (b) Utah Constitution Article I, Section 22.

1264 (10) "Culinary water authority" means the department, agency, or public entity with

1265 responsibility to review and approve the feasibility of the culinary water system and sources for

1266 the subject property.

1267 (11) "Development activity" means:

1268 (a) any construction or expansion of a building, structure, or use that creates additional
1269 demand and need for public facilities;

1270 (b) any change in use of a building or structure that creates additional demand and need
1271 for public facilities; or

1272 (c) any change in the use of land that creates additional demand and need for public
1273 facilities.

1274 (12) (a) "Development agreement" means a written agreement or amendment to a
1275 written agreement between a municipality and one or more parties that regulates or controls the
1276 use or development of a specific area of land.

1277 (b) "Development agreement" does not include an improvement completion assurance.

1278 (13) (a) "Disability" means a physical or mental impairment that substantially limits
1279 one or more of a person's major life activities, including a person having a record of such an
1280 impairment or being regarded as having such an impairment.

1281 (b) "Disability" does not include current illegal use of, or addiction to, any federally
1282 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
1283 802.

1284 (14) "Educational facility":

1285 (a) means:

1286 (i) a school district's building at which pupils assemble to receive instruction in a
1287 program for any combination of grades from preschool through grade 12, including
1288 kindergarten and a program for children with disabilities;

1289 (ii) a structure or facility:

1290 (A) located on the same property as a building described in Subsection (14)(a)(i); and

1291 (B) used in support of the use of that building; and

1292 (iii) a building to provide office and related space to a school district's administrative
1293 personnel; and

1294 (b) does not include:

1295 (i) land or a structure, including land or a structure for inventory storage, equipment
1296 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

1297 (A) not located on the same property as a building described in Subsection (14)(a)(i);

1298 and

1299 (B) used in support of the purposes of a building described in Subsection (14)(a)(i); or
1300 (ii) a therapeutic school.

1301 (15) "Fire authority" means the department, agency, or public entity with responsibility
1302 to review and approve the feasibility of fire protection and suppression services for the subject
1303 property.

1304 (16) "Flood plain" means land that:

1305 (a) is within the 100-year flood plain designated by the Federal Emergency
1306 Management Agency; or

1307 (b) has not been studied or designated by the Federal Emergency Management Agency
1308 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
1309 the land has characteristics that are similar to those of a 100-year flood plain designated by the
1310 Federal Emergency Management Agency.

1311 (17) "General plan" means a document that a municipality adopts that sets forth general
1312 guidelines for proposed future development of the land within the municipality.

1313 (18) "Geologic hazard" means:

1314 (a) a surface fault rupture;

1315 (b) shallow groundwater;

1316 (c) liquefaction;

1317 (d) a landslide;

1318 (e) a debris flow;

1319 (f) unstable soil;

1320 (g) a rock fall; or

1321 (h) any other geologic condition that presents a risk:

1322 (i) to life;

1323 (ii) of substantial loss of real property; or

1324 (iii) of substantial damage to real property.

1325 (19) "Historic preservation authority" means a person, board, commission, or other
1326 body designated by a legislative body to:

1327 (a) recommend land use regulations to preserve local historic districts or areas; and

1328 (b) administer local historic preservation land use regulations within a local historic
1329 district or area.

1330 (20) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
1331 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
1332 utility system.

1333 (21) "Identical plans" means building plans submitted to a municipality that:

1334 (a) are clearly marked as "identical plans";

1335 (b) are substantially identical to building plans that were previously submitted to and
1336 reviewed and approved by the municipality; and

1337 (c) describe a building that:

1338 (i) is located on land zoned the same as the land on which the building described in the
1339 previously approved plans is located;

1340 (ii) is subject to the same geological and meteorological conditions and the same law
1341 as the building described in the previously approved plans;

1342 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
1343 and approved by the municipality; and

1344 (iv) does not require any additional engineering or analysis.

1345 (22) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
1346 Impact Fees Act.

1347 (23) "Improvement completion assurance" means a surety bond, letter of credit,
1348 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
1349 by a municipality to guaranty the proper completion of landscaping or an infrastructure
1350 improvement required as a condition precedent to:

1351 (a) recording a subdivision plat; or

1352 (b) development of a commercial, industrial, mixed use, or multifamily project.

1353 (24) "Improvement warranty" means an applicant's unconditional warranty that the
1354 applicant's installed and accepted landscaping or infrastructure improvement:

1355 (a) complies with the municipality's written standards for design, materials, and
1356 workmanship; and

1357 (b) will not fail in any material respect, as a result of poor workmanship or materials,
1358 within the improvement warranty period.

1359 (25) "Improvement warranty period" means a period:

1360 (a) no later than one year after a municipality's acceptance of required landscaping; or

1361 (b) no later than one year after a municipality's acceptance of required infrastructure,
1362 unless the municipality:

1363 (i) determines for good cause that a one-year period would be inadequate to protect the
1364 public health, safety, and welfare; and

1365 (ii) has substantial evidence, on record:

1366 (A) of prior poor performance by the applicant; or

1367 (B) that the area upon which the infrastructure will be constructed contains suspect soil
1368 and the municipality has not otherwise required the applicant to mitigate the suspect soil.

1369 (26) "Infrastructure improvement" means permanent infrastructure that is essential for
1370 the public health and safety or that:

1371 (a) is required for human occupation; and

1372 (b) an applicant must install:

1373 (i) in accordance with published installation and inspection specifications for public
1374 improvements; and

1375 (ii) whether the improvement is public or private, as a condition of:

1376 (A) recording a subdivision plat;

1377 (B) obtaining a building permit; or

1378 (C) development of a commercial, industrial, mixed use, condominium, or multifamily
1379 project.

1380 (27) "Internal lot restriction" means a platted note, platted demarcation, or platted
1381 designation that:

1382 (a) runs with the land; and

1383 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
1384 the plat; or

1385 (ii) designates a development condition that is enclosed within the perimeter of a lot
1386 described on the plat.

1387 (28) "Land use applicant" means a property owner, or the property owner's designee,
1388 who submits a land use application regarding the property owner's land.

1389 (29) "Land use application":

1390 (a) means an application that is:

1391 (i) required by a municipality; and

- 1392 (ii) submitted by a land use applicant to obtain a land use decision; and
- 1393 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 1394 (30) "Land use authority" means:
- 1395 (a) a person, board, commission, agency, or body, including the local legislative body,
- 1396 designated by the local legislative body to act upon a land use application; or
- 1397 (b) if the local legislative body has not designated a person, board, commission,
- 1398 agency, or body, the local legislative body.
- 1399 (31) "Land use decision" means an administrative decision of a land use authority or
- 1400 appeal authority regarding:
- 1401 (a) a land use permit;
- 1402 (b) a land use application; or
- 1403 (c) the enforcement of a land use regulation, land use permit, or development
- 1404 agreement.
- 1405 (32) "Land use permit" means a permit issued by a land use authority.
- 1406 (33) "Land use regulation":
- 1407 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
- 1408 specification, fee, or rule that governs the use or development of land;
- 1409 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
- 1410 and
- 1411 (c) does not include:
- 1412 (i) a land use decision of the legislative body acting as the land use authority, even if
- 1413 the decision is expressed in a resolution or ordinance; or
- 1414 (ii) a temporary revision to an engineering specification that does not materially:
- 1415 (A) increase a land use applicant's cost of development compared to the existing
- 1416 specification; or
- 1417 (B) impact a land use applicant's use of land.
- 1418 (34) "Legislative body" means the municipal council.
- 1419 [~~(35) "Local district" means an entity under Title 17B, Limited Purpose Local~~
- 1420 ~~Government Entities - Local Districts, and any other governmental or quasi-governmental~~
- 1421 ~~entity that is not a county, municipality, school district, or the state.]~~
- 1422 [(36)] (35) "Local historic district or area" means a geographically definable area that:

1423 (a) contains any combination of buildings, structures, sites, objects, landscape features,
1424 archeological sites, or works of art that contribute to the historic preservation goals of a
1425 legislative body; and

1426 (b) is subject to land use regulations to preserve the historic significance of the local
1427 historic district or area.

1428 ~~[(37)]~~ (36) "Lot" means a tract of land, regardless of any label, that is created by and
1429 shown on a subdivision plat that has been recorded in the office of the county recorder.

1430 ~~[(38)]~~ (37) (a) "Lot line adjustment" means a relocation of a lot line boundary between
1431 adjoining lots or between a lot and adjoining parcels in accordance with Section 10-9a-608:

1432 (i) whether or not the lots are located in the same subdivision; and

1433 (ii) with the consent of the owners of record.

1434 (b) "Lot line adjustment" does not mean a new boundary line that:

1435 (i) creates an additional lot; or

1436 (ii) constitutes a subdivision.

1437 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
1438 Department of Transportation.

1439 ~~[(39)]~~ (38) "Major transit investment corridor" means public transit service that uses or
1440 occupies:

1441 (a) public transit rail right-of-way;

1442 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

1443 or

1444 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
1445 municipality or county and:

1446 (i) a public transit district as defined in Section 17B-2a-802; or

1447 (ii) an eligible political subdivision as defined in Section 59-12-2219.

1448 ~~[(40)]~~ (39) "Moderate income housing" means housing occupied or reserved for
1449 occupancy by households with a gross household income equal to or less than 80% of the
1450 median gross income for households of the same size in the county in which the city is located.

1451 ~~[(41)]~~ (40) "Municipal utility easement" means an easement that:

1452 (a) is created or depicted on a plat recorded in a county recorder's office and is
1453 described as a municipal utility easement granted for public use;

1454 (b) is not a protected utility easement or a public utility easement as defined in Section
1455 54-3-27;

1456 (c) the municipality or the municipality's affiliated governmental entity uses and
1457 occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm
1458 water, or communications or data lines;

1459 (d) is used or occupied with the consent of the municipality in accordance with an
1460 authorized franchise or other agreement;

1461 (e) (i) is used or occupied by a specified public utility in accordance with an authorized
1462 franchise or other agreement; and

1463 (ii) is located in a utility easement granted for public use; or

1464 (f) is described in Section 10-9a-529 and is used by a specified public utility.

1465 ~~[(42)]~~ (41) "Nominal fee" means a fee that reasonably reimburses a municipality only
1466 for time spent and expenses incurred in:

1467 (a) verifying that building plans are identical plans; and

1468 (b) reviewing and approving those minor aspects of identical plans that differ from the
1469 previously reviewed and approved building plans.

1470 ~~[(43)]~~ (42) "Noncomplying structure" means a structure that:

1471 (a) legally existed before the structure's current land use designation; and

1472 (b) because of one or more subsequent land use ordinance changes, does not conform
1473 to the setback, height restrictions, or other regulations, excluding those regulations, which
1474 govern the use of land.

1475 ~~[(44)]~~ (43) "Nonconforming use" means a use of land that:

1476 (a) legally existed before its current land use designation;

1477 (b) has been maintained continuously since the time the land use ordinance governing
1478 the land changed; and

1479 (c) because of one or more subsequent land use ordinance changes, does not conform
1480 to the regulations that now govern the use of the land.

1481 ~~[(45)]~~ (44) "Official map" means a map drawn by municipal authorities and recorded in
1482 a county recorder's office that:

1483 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
1484 highways and other transportation facilities;

1485 (b) provides a basis for restricting development in designated rights-of-way or between
1486 designated setbacks to allow the government authorities time to purchase or otherwise reserve
1487 the land; and

1488 (c) has been adopted as an element of the municipality's general plan.

1489 [~~(46)~~] (45) "Parcel" means any real property that is not a lot.

1490 [~~(47)~~] (46) (a) "Parcel boundary adjustment" means a recorded agreement between
1491 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary
1492 line agreement in accordance with Section 10-9a-524, if no additional parcel is created and:

1493 (i) none of the property identified in the agreement is a lot; or

1494 (ii) the adjustment is to the boundaries of a single person's parcels.

1495 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
1496 line that:

1497 (i) creates an additional parcel; or

1498 (ii) constitutes a subdivision.

1499 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
1500 the Department of Transportation.

1501 [~~(48)~~] (47) "Person" means an individual, corporation, partnership, organization,
1502 association, trust, governmental agency, or any other legal entity.

1503 [~~(49)~~] (48) "Plan for moderate income housing" means a written document adopted by
1504 a municipality's legislative body that includes:

1505 (a) an estimate of the existing supply of moderate income housing located within the
1506 municipality;

1507 (b) an estimate of the need for moderate income housing in the municipality for the
1508 next five years;

1509 (c) a survey of total residential land use;

1510 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
1511 income housing; and

1512 (e) a description of the municipality's program to encourage an adequate supply of
1513 moderate income housing.

1514 [~~(50)~~] (49) "Plat" means an instrument subdividing property into lots as depicted on a
1515 map or other graphical representation of lands that a licensed professional land surveyor makes

1516 and prepares in accordance with Section [10-9a-603](#) or [57-8-13](#).

1517 ~~[(51)]~~ (50) "Potential geologic hazard area" means an area that:

1518 (a) is designated by a Utah Geological Survey map, county geologist map, or other
1519 relevant map or report as needing further study to determine the area's potential for geologic
1520 hazard; or

1521 (b) has not been studied by the Utah Geological Survey or a county geologist but
1522 presents the potential of geologic hazard because the area has characteristics similar to those of
1523 a designated geologic hazard area.

1524 ~~[(52)]~~ (51) "Public agency" means:

1525 (a) the federal government;

1526 (b) the state;

1527 (c) a county, municipality, school district, ~~[local]~~ special district, special service
1528 district, or other political subdivision of the state; or

1529 (d) a charter school.

1530 ~~[(53)]~~ (52) "Public hearing" means a hearing at which members of the public are
1531 provided a reasonable opportunity to comment on the subject of the hearing.

1532 ~~[(54)]~~ (53) "Public meeting" means a meeting that is required to be open to the public
1533 under Title 52, Chapter 4, Open and Public Meetings Act.

1534 ~~[(55)]~~ (54) "Public street" means a public right-of-way, including a public highway,
1535 public avenue, public boulevard, public parkway, public road, public lane, public alley, public
1536 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
1537 easement, or other public way.

1538 ~~[(56)]~~ (55) "Receiving zone" means an area of a municipality that the municipality
1539 designates, by ordinance, as an area in which an owner of land may receive a transferable
1540 development right.

1541 ~~[(57)]~~ (56) "Record of survey map" means a map of a survey of land prepared in
1542 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

1543 ~~[(58)]~~ (57) "Residential facility for persons with a disability" means a residence:

1544 (a) in which more than one person with a disability resides; and

1545 (b) (i) which is licensed or certified by the Department of Human Services under Title
1546 62A, Chapter 2, Licensure of Programs and Facilities; or

1547 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
1548 21, Health Care Facility Licensing and Inspection Act.

1549 [~~59~~] (58) "Rules of order and procedure" means a set of rules that govern and
1550 prescribe in a public meeting:

1551 (a) parliamentary order and procedure;

1552 (b) ethical behavior; and

1553 (c) civil discourse.

1554 (59) "Special district" means an entity under Title 17B, Limited Purpose Local
1555 Government Entities - Special Districts, and any other governmental or quasi-governmental
1556 entity that is not a county, municipality, school district, or the state.

1557 (60) "Sanitary sewer authority" means the department, agency, or public entity with
1558 responsibility to review and approve the feasibility of sanitary sewer services or onsite
1559 wastewater systems.

1560 (61) "Sending zone" means an area of a municipality that the municipality designates,
1561 by ordinance, as an area from which an owner of land may transfer a transferable development
1562 right.

1563 (62) "Specified public agency" means:

1564 (a) the state;

1565 (b) a school district; or

1566 (c) a charter school.

1567 (63) "Specified public utility" means an electrical corporation, gas corporation, or
1568 telephone corporation, as those terms are defined in Section 54-2-1.

1569 (64) "State" includes any department, division, or agency of the state.

1570 (65) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
1571 divided into two or more lots or other division of land for the purpose, whether immediate or
1572 future, for offer, sale, lease, or development either on the installment plan or upon any and all
1573 other plans, terms, and conditions.

1574 (b) "Subdivision" includes:

1575 (i) the division or development of land, whether by deed, metes and bounds
1576 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
1577 the division includes all or a portion of a parcel or lot; and

1578 (ii) except as provided in Subsection (65)(c), divisions of land for residential and
1579 nonresidential uses, including land used or to be used for commercial, agricultural, and
1580 industrial purposes.

1581 (c) "Subdivision" does not include:

1582 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
1583 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
1584 neither the resulting combined parcel nor the parcel remaining from the division or partition
1585 violates an applicable land use ordinance;

1586 (ii) a boundary line agreement recorded with the county recorder's office between
1587 owners of adjoining parcels adjusting the mutual boundary in accordance with Section
1588 [10-9a-524](#) if no new parcel is created;

1589 (iii) a recorded document, executed by the owner of record:

1590 (A) revising the legal descriptions of multiple parcels into one legal description
1591 encompassing all such parcels; or

1592 (B) joining a lot to a parcel;

1593 (iv) a boundary line agreement between owners of adjoining subdivided properties
1594 adjusting the mutual lot line boundary in accordance with Sections [10-9a-524](#) and [10-9a-608](#) if:

1595 (A) no new dwelling lot or housing unit will result from the adjustment; and

1596 (B) the adjustment will not violate any applicable land use ordinance;

1597 (v) a bona fide division of land by deed or other instrument if the deed or other
1598 instrument states in writing that the division:

1599 (A) is in anticipation of future land use approvals on the parcel or parcels;

1600 (B) does not confer any land use approvals; and

1601 (C) has not been approved by the land use authority;

1602 (vi) a parcel boundary adjustment;

1603 (vii) a lot line adjustment;

1604 (viii) a road, street, or highway dedication plat;

1605 (ix) a deed or easement for a road, street, or highway purpose; or

1606 (x) any other division of land authorized by law.

1607 (66) "Subdivision amendment" means an amendment to a recorded subdivision in
1608 accordance with Section [10-9a-608](#) that:

- 1609 (a) vacates all or a portion of the subdivision;
- 1610 (b) alters the outside boundary of the subdivision;
- 1611 (c) changes the number of lots within the subdivision;
- 1612 (d) alters a public right-of-way, a public easement, or public infrastructure within the
- 1613 subdivision; or
- 1614 (e) alters a common area or other common amenity within the subdivision.
- 1615 (67) "Substantial evidence" means evidence that:
- 1616 (a) is beyond a scintilla; and
- 1617 (b) a reasonable mind would accept as adequate to support a conclusion.
- 1618 (68) "Suspect soil" means soil that has:
- 1619 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 1620 3% swell potential;
- 1621 (b) bedrock units with high shrink or swell susceptibility; or
- 1622 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 1623 commonly associated with dissolution and collapse features.
- 1624 (69) "Therapeutic school" means a residential group living facility:
- 1625 (a) for four or more individuals who are not related to:
- 1626 (i) the owner of the facility; or
- 1627 (ii) the primary service provider of the facility;
- 1628 (b) that serves students who have a history of failing to function:
- 1629 (i) at home;
- 1630 (ii) in a public school; or
- 1631 (iii) in a nonresidential private school; and
- 1632 (c) that offers:
- 1633 (i) room and board; and
- 1634 (ii) an academic education integrated with:
- 1635 (A) specialized structure and supervision; or
- 1636 (B) services or treatment related to a disability, an emotional development, a
- 1637 behavioral development, a familial development, or a social development.
- 1638 (70) "Transferable development right" means a right to develop and use land that
- 1639 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer

1640 land use rights from a designated sending zone to a designated receiving zone.

1641 (71) "Unincorporated" means the area outside of the incorporated area of a city or
1642 town.

1643 (72) "Water interest" means any right to the beneficial use of water, including:

1644 (a) each of the rights listed in Section 73-1-11; and

1645 (b) an ownership interest in the right to the beneficial use of water represented by:

1646 (i) a contract; or

1647 (ii) a share in a water company, as defined in Section 73-3-3.5.

1648 (73) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
1649 land use zones, overlays, or districts.

1650 Section 16. Section 10-9a-305 is amended to read:

1651 **10-9a-305. Other entities required to conform to municipality's land use**
1652 **ordinances -- Exceptions -- School districts and charter schools -- Submission of**
1653 **development plan and schedule.**

1654 (1) (a) Each county, municipality, school district, charter school, [total] special district,
1655 special service district, and political subdivision of the state shall conform to any applicable
1656 land use ordinance of any municipality when installing, constructing, operating, or otherwise
1657 using any area, land, or building situated within that municipality.

1658 (b) In addition to any other remedies provided by law, when a municipality's land use
1659 ordinance is violated or about to be violated by another political subdivision, that municipality
1660 may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to
1661 prevent, enjoin, abate, or remove the improper installation, improvement, or use.

1662 (2) (a) Except as provided in Subsection (3), a school district or charter school is
1663 subject to a municipality's land use ordinances.

1664 (b) (i) Notwithstanding Subsection (3), a municipality may:

1665 (A) subject a charter school to standards within each zone pertaining to setback, height,
1666 bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction
1667 staging; and

1668 (B) impose regulations upon the location of a project that are necessary to avoid
1669 unreasonable risks to health or safety, as provided in Subsection (3)(f).

1670 (ii) The standards to which a municipality may subject a charter school under

1671 Subsection (2)(b)(i) shall be objective standards only and may not be subjective.

1672 (iii) Except as provided in Subsection (7)(d), the only basis upon which a municipality
1673 may deny or withhold approval of a charter school's land use application is the charter school's
1674 failure to comply with a standard imposed under Subsection (2)(b)(i).

1675 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of an
1676 obligation to comply with a requirement of an applicable building or safety code to which it is
1677 otherwise obligated to comply.

1678 (3) A municipality may not:

1679 (a) impose requirements for landscaping, fencing, aesthetic considerations,
1680 construction methods or materials, additional building inspections, municipal building codes,
1681 building use for educational purposes, or the placement or use of temporary classroom facilities
1682 on school property;

1683 (b) except as otherwise provided in this section, require a school district or charter
1684 school to participate in the cost of any roadway or sidewalk, or a study on the impact of a
1685 school on a roadway or sidewalk, that is not reasonably necessary for the safety of school
1686 children and not located on or contiguous to school property, unless the roadway or sidewalk is
1687 required to connect an otherwise isolated school site to an existing roadway;

1688 (c) require a district or charter school to pay fees not authorized by this section;

1689 (d) provide for inspection of school construction or assess a fee or other charges for
1690 inspection, unless the school district or charter school is unable to provide for inspection by an
1691 inspector, other than the project architect or contractor, who is qualified under criteria
1692 established by the state superintendent;

1693 (e) require a school district or charter school to pay any impact fee for an improvement
1694 project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact Fees Act;

1695 (f) impose regulations upon the location of an educational facility except as necessary
1696 to avoid unreasonable risks to health or safety; or

1697 (g) for a land use or a structure owned or operated by a school district or charter school
1698 that is not an educational facility but is used in support of providing instruction to pupils,
1699 impose a regulation that:

1700 (i) is not imposed on a similar land use or structure in the zone in which the land use or
1701 structure is approved; or

1702 (ii) uses the tax exempt status of the school district or charter school as criteria for
1703 prohibiting or regulating the land use or location of the structure.

1704 (4) Subject to Section 53E-3-710, a school district or charter school shall coordinate
1705 the siting of a new school with the municipality in which the school is to be located, to:

1706 (a) avoid or mitigate existing and potential traffic hazards, including consideration of
1707 the impacts between the new school and future highways; and

1708 (b) maximize school, student, and site safety.

1709 (5) Notwithstanding Subsection (3)(d), a municipality may, at its discretion:

1710 (a) provide a walk-through of school construction at no cost and at a time convenient to
1711 the district or charter school; and

1712 (b) provide recommendations based upon the walk-through.

1713 (6) (a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:

1714 (i) a municipal building inspector;

1715 (ii) (A) for a school district, a school district building inspector from that school
1716 district; or

1717 (B) for a charter school, a school district building inspector from the school district in
1718 which the charter school is located; or

1719 (iii) an independent, certified building inspector who is:

1720 (A) not an employee of the contractor;

1721 (B) approved by:

1722 (I) a municipal building inspector; or

1723 (II) (Aa) for a school district, a school district building inspector from that school
1724 district; or

1725 (Bb) for a charter school, a school district building inspector from the school district in
1726 which the charter school is located; and

1727 (C) licensed to perform the inspection that the inspector is requested to perform.

1728 (b) The approval under Subsection (6)(a)(iii)(B) may not be unreasonably withheld.

1729 (c) If a school district or charter school uses a school district or independent building
1730 inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall submit to
1731 the state superintendent of public instruction and municipal building official, on a monthly
1732 basis during construction of the school building, a copy of each inspection certificate regarding

1733 the school building.

1734 (7) (a) A charter school shall be considered a permitted use in all zoning districts
1735 within a municipality.

1736 (b) Each land use application for any approval required for a charter school, including
1737 an application for a building permit, shall be processed on a first priority basis.

1738 (c) Parking requirements for a charter school may not exceed the minimum parking
1739 requirements for schools or other institutional public uses throughout the municipality.

1740 (d) If a municipality has designated zones for a sexually oriented business, or a
1741 business which sells alcohol, a charter school may be prohibited from a location which would
1742 otherwise defeat the purpose for the zone unless the charter school provides a waiver.

1743 (e) (i) A school district or a charter school may seek a certificate authorizing permanent
1744 occupancy of a school building from:

1745 (A) the state superintendent of public instruction, as provided in Subsection
1746 [53E-3-706\(3\)](#), if the school district or charter school used an independent building inspector for
1747 inspection of the school building; or

1748 (B) a municipal official with authority to issue the certificate, if the school district or
1749 charter school used a municipal building inspector for inspection of the school building.

1750 (ii) A school district may issue its own certificate authorizing permanent occupancy of
1751 a school building if it used its own building inspector for inspection of the school building,
1752 subject to the notification requirement of Subsection [53E-3-706\(3\)\(a\)\(ii\)](#).

1753 (iii) A charter school may seek a certificate authorizing permanent occupancy of a
1754 school building from a school district official with authority to issue the certificate, if the
1755 charter school used a school district building inspector for inspection of the school building.

1756 (iv) A certificate authorizing permanent occupancy issued by the state superintendent
1757 of public instruction under Subsection [53E-3-706\(3\)](#) or a school district official with authority
1758 to issue the certificate shall be considered to satisfy any municipal requirement for an
1759 inspection or a certificate of occupancy.

1760 (8) (a) A specified public agency intending to develop its land shall submit to the land
1761 use authority a development plan and schedule:

1762 (i) as early as practicable in the development process, but no later than the
1763 commencement of construction; and

- 1764 (ii) with sufficient detail to enable the land use authority to assess:
- 1765 (A) the specified public agency's compliance with applicable land use ordinances;
- 1766 (B) the demand for public facilities listed in Subsections [11-36a-102\(17\)\(a\)](#), (b), (c),
- 1767 (d), (e), and (g) caused by the development;
- 1768 (C) the amount of any applicable fee described in Section [10-9a-510](#);
- 1769 (D) any credit against an impact fee; and
- 1770 (E) the potential for waiving an impact fee.

1771 (b) The land use authority shall respond to a specified public agency's submission

1772 under Subsection (8)(a) with reasonable promptness in order to allow the specified public

1773 agency to consider information the municipality provides under Subsection (8)(a)(ii) in the

1774 process of preparing the budget for the development.

1775 (9) Nothing in this section may be construed to:

1776 (a) modify or supersede Section [10-9a-304](#); or

1777 (b) authorize a municipality to enforce an ordinance in a way, or enact an ordinance,

1778 that fails to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair Housing

1779 Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with Disabilities Act of

1780 1990, 42 U.S.C. 12102, or any other provision of federal law.

1781 Section 17. Section [10-9a-529](#) is amended to read:

1782 **10-9a-529. Specified public utility located in a municipal utility easement.**

1783 A specified public utility may exercise each power of a public utility under Section

1784 [54-3-27](#) if the specified public utility uses an easement:

1785 (1) with the consent of a municipality; and

1786 (2) that is located within a municipal utility easement described in Subsections

1787 [~~[10-9a-103\(41\)\(a\)](#)~~ [10-9a-103\(40\)\(a\)](#)] through (e).

1788 Section 18. Section [11-2-1](#) is amended to read:

1789 **11-2-1. Local authorities may designate and acquire property for playgrounds**

1790 **and recreational facilities.**

1791 The governing body of any city, town, school district, [~~local~~] special district, special

1792 service district, or county may designate and set apart for use as playgrounds, athletic fields,

1793 gymnasiums, public baths, swimming pools, camps, indoor recreation centers, television

1794 transmission and relay facilities, or other recreational facilities, any lands, buildings or personal

1795 property owned by such cities, towns, counties, [~~local~~] special districts, special service districts,
1796 or school districts that may be suitable for such purposes; and may, in such manner as may be
1797 authorized and provided by law for the acquisition of lands or buildings for public purposes in
1798 such cities, towns, counties, [~~local~~] special districts, special service districts, and school
1799 districts, acquire lands, buildings, and personal property therein for such use; and may equip,
1800 maintain, operate and supervise the same, employing such play leaders, recreation directors,
1801 supervisors and other employees as it may deem proper. Such acquisition of lands, buildings
1802 and personal property and the equipping, maintaining, operating and supervision of the same
1803 shall be deemed to be for public, governmental and municipal purposes.

1804 Section 19. Section **11-13-103** is amended to read:

1805 **11-13-103. Definitions.**

1806 As used in this chapter:

1807 (1) (a) "Additional project capacity" means electric generating capacity provided by a
1808 generating unit that first produces electricity on or after May 6, 2002, and that is constructed or
1809 installed at or adjacent to the site of a project that first produced electricity before May 6, 2002,
1810 regardless of whether:

1811 (i) the owners of the new generating unit are the same as or different from the owner of
1812 the project; and

1813 (ii) the purchasers of electricity from the new generating unit are the same as or
1814 different from the purchasers of electricity from the project.

1815 (b) "Additional project capacity" does not mean or include replacement project
1816 capacity.

1817 (2) "Board" means the Permanent Community Impact Fund Board created by Section
1818 [35A-8-304](#), and its successors.

1819 (3) "Candidate" means one or more of:

1820 (a) the state;

1821 (b) a county, municipality, school district, [~~local~~] special district, special service
1822 district, or other political subdivision of the state; and

1823 (c) a prosecution district.

1824 (4) "Commercial project entity" means a project entity, defined in Subsection (18),
1825 that:

1826 (a) has no taxing authority; and

1827 (b) is not supported in whole or in part by and does not expend or disburse tax

1828 revenues.

1829 (5) "Direct impacts" means an increase in the need for public facilities or services that

1830 is attributable to the project or facilities providing additional project capacity, except impacts

1831 resulting from the construction or operation of a facility that is:

1832 (a) owned by an owner other than the owner of the project or of the facilities providing

1833 additional project capacity; and

1834 (b) used to furnish fuel, construction, or operation materials for use in the project.

1835 (6) "Electric interlocal entity" means an interlocal entity described in Subsection

1836 [11-13-203](#)(3).

1837 (7) "Energy services interlocal entity" means an interlocal entity that is described in

1838 Subsection [11-13-203](#)(4).

1839 (8) (a) "Estimated electric requirements," when used with respect to a qualified energy

1840 services interlocal entity, includes any of the following that meets the requirements of

1841 Subsection (8)(b):

1842 (i) generation capacity;

1843 (ii) generation output; or

1844 (iii) an electric energy production facility.

1845 (b) An item listed in Subsection (8)(a) is included in "estimated electric requirements"

1846 if it is needed by the qualified energy services interlocal entity to perform the qualified energy

1847 services interlocal entity's contractual or legal obligations to any of its members.

1848 (9) (a) "Facilities providing replacement project capacity" means facilities that have

1849 been, are being, or are proposed to be constructed, reconstructed, converted, repowered,

1850 acquired, leased, used, or installed to provide replacement project capacity.

1851 (b) "Facilities providing replacement project capacity" includes facilities that have

1852 been, are being, or are proposed to be constructed, reconstructed, converted, repowered,

1853 acquired, leased, used, or installed:

1854 (i) to support and facilitate the construction, reconstruction, conversion, repowering,

1855 installation, financing, operation, management, or use of replacement project capacity; or

1856 (ii) for the distribution of power generated from existing capacity or replacement

1857 project capacity to facilities located on real property in which the project entity that owns the
1858 project has an ownership, leasehold, right-of-way, or permitted interest.

1859 (10) "Governing authority" means a governing board or joint administrator.

1860 (11) (a) "Governing board" means the body established in reliance on the authority
1861 provided under Subsection 11-13-206(1)(b) to govern an interlocal entity.

1862 (b) "Governing board" includes a board of directors described in an agreement, as
1863 amended, that creates a project entity.

1864 (c) "Governing board" does not include a board as defined in Subsection (2).

1865 (12) "Interlocal entity" means:

1866 (a) a Utah interlocal entity, an electric interlocal entity, or an energy services interlocal
1867 entity; or

1868 (b) a separate legal or administrative entity created under Section 11-13-205.

1869 (13) "Joint administrator" means an administrator or joint board described in Section
1870 11-13-207 to administer a joint or cooperative undertaking.

1871 (14) "Joint or cooperative undertaking" means an undertaking described in Section
1872 11-13-207 that is not conducted by an interlocal entity.

1873 (15) "Member" means a public agency that, with another public agency, creates an
1874 interlocal entity under Section 11-13-203.

1875 (16) "Out-of-state public agency" means a public agency as defined in Subsection
1876 (19)(c), (d), or (e).

1877 (17) (a) "Project":

1878 (i) means an electric generation and transmission facility owned by a Utah interlocal
1879 entity or an electric interlocal entity; and

1880 (ii) includes fuel facilities, fuel production facilities, fuel transportation facilities,
1881 energy storage facilities, or water facilities that are:

1882 (A) owned by that Utah interlocal entity or electric interlocal entity; and

1883 (B) required for the generation and transmission facility.

1884 (b) "Project" includes a project entity's ownership interest in:

1885 (i) facilities that provide additional project capacity;

1886 (ii) facilities providing replacement project capacity;

1887 (iii) additional generating, transmission, fuel, fuel transportation, water, or other

1888 facilities added to a project; and

1889 (iv) a Utah interlocal energy hub, as defined in Section 11-13-602.

1890 (18) "Project entity" means a Utah interlocal entity or an electric interlocal entity that
1891 owns a project as defined in this section.

1892 (19) "Public agency" means:

1893 (a) a city, town, county, school district, ~~local~~ special district, special service district,
1894 an interlocal entity, or other political subdivision of the state;

1895 (b) the state or any department, division, or agency of the state;

1896 (c) any agency of the United States;

1897 (d) any political subdivision or agency of another state or the District of Columbia
1898 including any interlocal cooperation or joint powers agency formed under the authority of the
1899 law of the other state or the District of Columbia; or

1900 (e) any Indian tribe, band, nation, or other organized group or community which is
1901 recognized as eligible for the special programs and services provided by the United States to
1902 Indians because of their status as Indians.

1903 (20) "Qualified energy services interlocal entity" means an energy services interlocal
1904 entity that at the time that the energy services interlocal entity acquires its interest in facilities
1905 providing additional project capacity has at least five members that are Utah public agencies.

1906 (21) "Replacement project capacity" means electric generating capacity or transmission
1907 capacity that:

1908 (a) replaces all or a portion of the existing electric generating or transmission capacity
1909 of a project; and

1910 (b) is provided by a facility that is on, adjacent to, in proximity to, or interconnected
1911 with the site of a project, regardless of whether:

1912 (i) the capacity replacing existing capacity is less than or exceeds the generating or
1913 transmission capacity of the project existing before installation of the capacity replacing
1914 existing capacity;

1915 (ii) the capacity replacing existing capacity is owned by the project entity that is the
1916 owner of the project, a segment established by the project entity, or a person with whom the
1917 project entity or a segment established by the project entity has contracted; or

1918 (iii) the facility that provides the capacity replacing existing capacity is constructed,

1919 reconstructed, converted, repowered, acquired, leased, used, or installed before or after any
1920 actual or anticipated reduction or modification to existing capacity of the project.

1921 (22) "Transportation reinvestment zone" means an area created by two or more public
1922 agencies by interlocal agreement to capture increased property or sales tax revenue generated
1923 by a transportation infrastructure project as described in Section 11-13-227.

1924 (23) "Utah interlocal entity":

1925 (a) means an interlocal entity described in Subsection 11-13-203(2); and

1926 (b) includes a separate legal or administrative entity created under Laws of Utah 1977,
1927 Chapter 47, Section 3, as amended.

1928 (24) "Utah public agency" means a public agency under Subsection (19)(a) or (b).

1929 Section 20. Section 11-13a-102 is amended to read:

1930 **11-13a-102. Definitions.**

1931 As used in this chapter:

1932 (1) "Controlling interest" means that one or more governmental entities collectively
1933 represent a majority of the board's voting power as outlined in the nonprofit corporation's
1934 governing documents.

1935 (2) (a) "Governing board" means the body that governs a governmental nonprofit
1936 corporation.

1937 (b) "Governing board" includes a board of directors.

1938 (3) "Governmental entity" means the state, a county, a municipality, a ~~local~~ special
1939 district, a special service district, a school district, a state institution of higher education, or any
1940 other political subdivision or administrative unit of the state.

1941 (4) (a) "Governmental nonprofit corporation" means:

1942 (i) a nonprofit corporation that is wholly owned or wholly controlled by one or more
1943 governmental entities, unless the nonprofit corporation receives no operating funding or other
1944 financial support from any governmental entity; or

1945 (ii) a nonprofit corporation in which one or more governmental entities exercise a
1946 controlling interest and:

1947 (A) that exercises taxing authority;

1948 (B) that imposes a mandatory fee for association or participation with the nonprofit
1949 corporation where that association or participation is mandated by law; or

1950 (C) that receives a majority of the nonprofit corporation's operating funding from one
 1951 or more governmental entities under the nonprofit corporation's governing documents, except
 1952 where voluntary membership fees, dues, or assessments compose the operating funding.

1953 (b) "Governmental nonprofit corporation" does not include a water company, as that
 1954 term is defined in Section 16-4-102, unless the water company is wholly owned by one or more
 1955 governmental entities.

1956 (5) "Municipality" means a city, town, or metro township.

1957 Section 21. Section 11-14-102 is amended to read:

1958 **11-14-102. Definitions.**

1959 For the purpose of this chapter:

1960 (1) "Bond" means any bond authorized to be issued under this chapter, including
 1961 municipal bonds.

1962 (2) "Election results" has the same meaning as defined in Section 20A-1-102.

1963 (3) "Governing body" means:

1964 (a) for a county, city, town, or metro township, the legislative body of the county, city,
 1965 or town;

1966 (b) for a [local] special district, the board of trustees of the [local] special district;

1967 (c) for a school district, the local board of education; or

1968 (d) for a special service district under Title 17D, Chapter 1, Special Service District
 1969 Act:

1970 (i) the governing body of the county or municipality that created the special service
 1971 district, if no administrative control board has been established under Section 17D-1-301; or

1972 (ii) the administrative control board, if one has been established under Section
 1973 17D-1-301 and the power to issue bonds not payable from taxes has been delegated to the
 1974 administrative control board.

1975 [~~(4) "Local district" means a district operating under Title 17B, Limited Purpose Local~~
 1976 ~~Government Entities - Local Districts.~~]

1977 [~~(5)~~] (4) (a) "Local political subdivision" means a county, city, town, metro township,
 1978 school district, [local] special district, or special service district.

1979 (b) "Local political subdivision" does not include the state and its institutions.

1980 (5) "Special district" means a district operating under Title 17B, Limited Purpose Local

1981 Government Entities - Special Districts.1982 Section 22. Section **11-14a-1** is amended to read:1983 **11-14a-1. Notice of debt issuance.**

1984 (1) For purposes of this chapter:

1985 (a) (i) "Debt" includes bonds, lease purchase agreements, certificates of participation,
1986 and contracts with municipal building authorities.

1987 (ii) "Debt" does not include tax and revenue anticipation notes or refunding bonds.

1988 (b) (i) "Local government entity" means a county, city, town, school district, [~~local~~]
1989 special district, or special service district.1990 (ii) "Local government entity" does not mean an entity created by an interlocal
1991 agreement under Title 11, Chapter 13, Interlocal Cooperation Act that has assets over
1992 \$10,000,000.1993 (c) "New debt resolution" means a resolution authorizing the issuance of debt wholly
1994 or partially to fund a rejected project.1995 (d) "Rejected Project" means a project for which a local government entity sought
1996 voter approval for general obligation bond financing and failed to receive that approval.1997 (2) Unless a local government entity complies with the requirements of this section, it
1998 may not adopt a new debt resolution.

1999 (3) (a) Before adopting a new debt resolution, a local government entity shall:

2000 (i) advertise the local government entity's intent to issue debt by posting a notice of that
2001 intent on the Utah Public Notice Website created in Section [63A-16-601](#), for the two weeks
2002 before the meeting at which the resolution will be considered; or2003 (ii) include notice of its intent to issue debt in a bill or other mailing sent to at least
2004 95% of the residents of the local government entity.

2005 (b) The local government entity shall ensure that the notice:

2006 (i) except for website publication, is at least as large as the bill or other mailing that it
2007 accompanies;

2008 (ii) is entitled, in type size no smaller than 24 point, "Intent to Issue Debt"; and

2009 (iii) contains the information required by Subsection (3)(c).

2010 (c) The local government entity shall ensure that the advertisement or notice described
2011 in Subsection (3)(a):

2012 (i) identifies the local government entity;
2013 (ii) states that the entity will meet on a day, time, and place identified in the
2014 advertisement or notice to hear public comments regarding a resolution authorizing the
2015 issuance of debt by the entity and to explain to the public the reasons for the issuance of debt;

2016 (iii) contains:
2017 (A) the name of the entity that will issue the debt;
2018 (B) the purpose of the debt; and
2019 (C) that type of debt and the maximum principal amount that may be issued;
2020 (iv) invites all concerned citizens to attend the public hearing; and
2021 (v) states that some or all of the proposed debt would fund a project whose general
2022 obligation bond financing was rejected by the voters.

2023 (4) (a) The resolution considered at the hearing shall identify:

2024 (i) the type of debt proposed to be issued;
2025 (ii) the maximum principal amount that might be issued;
2026 (iii) the interest rate;
2027 (iv) the term of the debt; and
2028 (v) how the debt will be repaid.

2029 (b) (i) Except as provided in Subsection (4)(b)(ii), the resolution considered at the
2030 hearing need not be in final form and need not be adopted or rejected at the meeting at which
2031 the public hearing is held.

2032 (ii) The local government entity may not, in the final resolution, increase the maximum
2033 principal amount of debt contained in the notice and discussed at the hearing.

2034 (c) The local government entity may adopt, amend and adopt, or reject the resolution at
2035 a later meeting without recomplying with the published notice requirements of this section.

2036 Section 23. Section **11-27-2** is amended to read:

2037 **11-27-2. Definitions.**

2038 As used in this chapter:

2039 (1) "Advance refunding bonds" means refunding bonds issued for the purpose of
2040 refunding outstanding bonds in advance of their maturity.

2041 (2) "Assessments" means a special tax levied against property within a special
2042 improvement district to pay all or a portion of the costs of making improvements in the district.

2043 (3) "Bond" means any revenue bond, general obligation bond, tax increment bond,
2044 special improvement bond, local building authority bond, or refunding bond.

2045 (4) "General obligation bond" means any bond, note, warrant, certificate of
2046 indebtedness, or other obligation of a public body payable in whole or in part from revenues
2047 derived from ad valorem taxes and that constitutes an indebtedness within the meaning of any
2048 applicable constitutional or statutory debt limitation.

2049 (5) "Governing body" means the council, commission, county legislative body, board
2050 of directors, board of trustees, board of education, board of higher education, or other
2051 legislative body of a public body designated in this chapter that is vested with the legislative
2052 powers of the public body, and, with respect to the state, the State Bonding Commission
2053 created by Section [63B-1-201](#).

2054 (6) "Government obligations" means:

2055 (a) direct obligations of the United States of America, or other securities, the principal
2056 of and interest on which are unconditionally guaranteed by the United States of America; or

2057 (b) obligations of any state, territory, or possession of the United States, or of any of
2058 the political subdivisions of any state, territory, or possession of the United States, or of the
2059 District of Columbia described in Section 103(a), Internal Revenue Code of 1986.

2060 (7) "Issuer" means the public body issuing any bond or bonds.

2061 (8) "Public body" means the state or any agency, authority, instrumentality, or
2062 institution of the state, or any municipal or quasi-municipal corporation, political subdivision,
2063 agency, school district, ~~local~~ special district, special service district, or other governmental
2064 entity now or hereafter existing under the laws of the state.

2065 (9) "Refunding bonds" means bonds issued under the authority of this chapter for the
2066 purpose of refunding outstanding bonds.

2067 (10) "Resolution" means a resolution of the governing body of a public body taking
2068 formal action under this chapter.

2069 (11) "Revenue bond" means any bond, note, warrant, certificate of indebtedness, or
2070 other obligation for the payment of money issued by a public body or any predecessor of any
2071 public body and that is payable from designated revenues not derived from ad valorem taxes or
2072 from a special fund composed of revenues not derived from ad valorem taxes, but excluding all
2073 of the following:

2074 (a) any obligation constituting an indebtedness within the meaning of any applicable
2075 constitutional or statutory debt limitation;

2076 (b) any obligation issued in anticipation of the collection of taxes, where the entire
2077 issue matures not later than one year from the date of the issue; and

2078 (c) any special improvement bond.

2079 (12) "Special improvement bond" means any bond, note, warrant, certificate of
2080 indebtedness, or other obligation of a public body or any predecessor of any public body that is
2081 payable from assessments levied on benefitted property and from any special improvement
2082 guaranty fund.

2083 (13) "Special improvement guaranty fund" means any special improvement guaranty
2084 fund established under Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities;
2085 Title 11, Chapter 42, Assessment Area Act; or any predecessor or similar statute.

2086 (14) "Tax increment bond" means any bond, note, warrant, certificate of indebtedness,
2087 or other obligation of a public body issued under authority of Title 17C, Limited Purpose Local
2088 Government Entities - Community Reinvestment Agency Act.

2089 Section 24. Section 11-30-2 is amended to read:

2090 **11-30-2. Definitions.**

2091 As used in this chapter:

2092 (1) "Attorney general" means the attorney general of the state or one of his assistants.

2093 (2) "Bonds" means any evidence or contract of indebtedness that is issued or
2094 authorized by a public body, including, without limitation, bonds, refunding bonds, advance
2095 refunding bonds, bond anticipation notes, tax anticipation notes, notes, certificates of
2096 indebtedness, warrants, commercial paper, contracts, and leases, whether they are general
2097 obligations of the issuing public body or are payable solely from a specified source, including
2098 annual appropriations by the public body.

2099 (3) "County attorney" means the county attorney of a county or one of his assistants.

2100 (4) "Lease" means any lease agreement, lease purchase agreement, and installment
2101 purchase agreement, and any certificate of interest or participation in any of the foregoing.

2102 Reference in this chapter to issuance of bonds includes execution and delivery of leases.

2103 (5) "Person" means any person, association, corporation, or other entity.

2104 (6) "Public body" means the state or any agency, authority, instrumentality, or

2105 institution of the state, or any county, municipality, quasi-municipal corporation, school
2106 district, ~~local~~ special district, special service district, political subdivision, or other
2107 governmental entity existing under the laws of the state, whether or not possessed of any taxing
2108 power. With respect to leases, public body, as used in this chapter, refers to the public body
2109 which is the lessee, or is otherwise the obligor with respect to payment under any such leases.

2110 (7) "Refunding bonds" means any bonds that are issued to refund outstanding bonds,
2111 including both refunding bonds and advance refunding bonds.

2112 (8) "State" means the state of Utah.

2113 (9) "Validity" means any matter relating to the legality and validity of the bonds and
2114 the security therefor, including, without limitation, the legality and validity of:

2115 (a) a public body's authority to issue and deliver the bonds;

2116 (b) any ordinance, resolution, or statute granting the public body authority to issue and
2117 deliver the bonds;

2118 (c) all proceedings, elections, if any, and any other actions taken or to be taken in
2119 connection with the issuance, sale, or delivery of the bonds;

2120 (d) the purpose, location, or manner of the expenditure of funds;

2121 (e) the organization or boundaries of the public body;

2122 (f) any assessments, taxes, rates, rentals, fees, charges, or tolls levied or that may be
2123 levied in connection with the bonds;

2124 (g) any lien, proceeding, or other remedy for the collection of those assessments, taxes,
2125 rates, rentals, fees, charges, or tolls;

2126 (h) any contract or lease executed or to be executed in connection with the bonds;

2127 (i) the pledge of any taxes, revenues, receipts, rentals, or property, or encumbrance
2128 thereon or security interest therein to secure the bonds; and

2129 (j) any covenants or provisions contained in or to be contained in the bonds. If any
2130 deed, will, statute, resolution, ordinance, lease, indenture, contract, franchise, or other
2131 instrument may have an effect on any of the aforementioned, validity also means a declaration
2132 of the validity and legality thereof and of rights, status, or other legal relations arising
2133 therefrom.

2134 Section 25. Section **11-31-2** is amended to read:

2135 **11-31-2. Definitions.**

2136 As used in this chapter:

2137 (1) "Bonds" means any evidence or contract of indebtedness that is issued or
2138 authorized by a public body, including, without limitation, bonds, refunding bonds, advance
2139 refunding bonds, bond anticipation notes, tax anticipation notes, notes, certificates of
2140 indebtedness, warrants, commercial paper, contracts, and leases, whether they are general
2141 obligations of the issuing public body or are payable solely from a specified source, including
2142 annual appropriations by the public body.

2143 (2) "Legislative body" means, with respect to any action to be taken by a public body
2144 with respect to bonds, the board, commission, council, agency, or other similar body authorized
2145 by law to take legislative action on behalf of the public body, and in the case of the state, the
2146 Legislature, the state treasurer, the commission created under Section 63B-1-201, and any other
2147 entities the Legislature designates.

2148 (3) "Public body" means the state and any public department, public agency, or other
2149 public entity existing under the laws of the state, including, without limitation, any agency,
2150 authority, instrumentality, or institution of the state, and any county, city, town, municipal
2151 corporation, quasi-municipal corporation, state university or college, school district, special
2152 service district, ~~local~~ special district, separate legal or administrative entity created under the
2153 Interlocal Cooperation Act or other joint agreement entity, community reinvestment agency,
2154 and any other political subdivision, public authority, public agency, or public trust existing
2155 under the laws of the state.

2156 Section 26. Section 11-32-2 is amended to read:

2157 **11-32-2. Definitions.**

2158 As used in this chapter:

2159 (1) "Assignment agreement" means the agreement, security agreement, indenture, or
2160 other documentation by which the county transfers the delinquent tax receivables to the
2161 authority in consideration of the amounts paid by the authority under the assignment
2162 agreement, as provided in this chapter.

2163 (2) "Bonds" means any bonds, notes, or other evidence of indebtedness of the financing
2164 authority issued under this chapter.

2165 (3) "Delinquent tax receivables" means those ad valorem tangible property taxes levied
2166 within any county, for any year, which remain unpaid and owing the participant members

2167 within the county, as of January 15 of the following year, plus any interest and penalties
2168 accruing or assessed to them.

2169 (4) "Financing authority" or "authority" means a nonprofit corporation organized under
2170 this chapter by a county on behalf of the participant members within the county as the
2171 financing authority for the participant members solely for the purpose of financing the
2172 assignment of the delinquent tax receivables of the participant members for which it was
2173 created.

2174 (5) "Governing body" means the council, commission, county legislative body, board
2175 of education, board of trustees, or any other governing entity of a public body in which the
2176 legislative powers of the public body are vested.

2177 (6) "Participant members" means those public bodies, including the county, the
2178 governing bodies of which approve the creation of an authority as provided in Section 11-32-3
2179 and on whose behalf the authority acts.

2180 (7) "Public body" means any city, town, county, school district, special service district,
2181 [local] special district, community reinvestment agency, or any other entity entitled to receive
2182 ad valorem property taxes, existing under the laws of the state.

2183 Section 27. Section 11-34-1 is amended to read:

2184 **11-34-1. Definitions.**

2185 As used in this chapter:

2186 (1) "Bonds" means any evidence or contract of indebtedness that is issued or
2187 authorized by a public body, including, without limitation, bonds, refunding bonds, advance
2188 refunding bonds, bond anticipation notes, tax anticipation notes, notes, certificates of
2189 indebtedness, warrants, commercial paper, contracts, and leases, whether they are general
2190 obligations of the issuing public body or are payable solely from a specified source, including
2191 annual appropriations by the public body.

2192 (2) "Public body" means the state and any public department, public agency, or other
2193 public entity existing under the laws of the state, including, without limitation, any agency,
2194 authority, instrumentality, or institution of the state, and any county, city, town, municipal
2195 corporation, quasi-municipal corporation, state university or college, school district, special
2196 service district, [local] special district, separate legal or administrative entity created under the
2197 Interlocal Cooperation Act or other joint agreement entity, community reinvestment agency,

2198 and any other political subdivision, public authority, public agency, or public trust existing
2199 under the laws of this state.

2200 Section 28. Section **11-36a-102** is amended to read:

2201 **11-36a-102. Definitions.**

2202 As used in this chapter:

2203 (1) (a) "Affected entity" means each county, municipality, [~~local~~] special district under
2204 Title 17B, Limited Purpose Local Government Entities - [~~Local~~] Special Districts, special
2205 service district under Title 17D, Chapter 1, Special Service District Act, school district,
2206 interlocal cooperation entity established under Chapter 13, Interlocal Cooperation Act, and
2207 specified public utility:

2208 (i) whose services or facilities are likely to require expansion or significant
2209 modification because of the facilities proposed in the proposed impact fee facilities plan; or

2210 (ii) that has filed with the local political subdivision or private entity a copy of the
2211 general or long-range plan of the county, municipality, [~~local~~] special district, special service
2212 district, school district, interlocal cooperation entity, or specified public utility.

2213 (b) "Affected entity" does not include the local political subdivision or private entity
2214 that is required under Section **11-36a-501** to provide notice.

2215 (2) "Charter school" includes:

2216 (a) an operating charter school;

2217 (b) an applicant for a charter school whose application has been approved by a charter
2218 school authorizer as provided in Title 53G, Chapter 5, Part 6, Charter School Credit
2219 Enhancement Program; and

2220 (c) an entity that is working on behalf of a charter school or approved charter applicant
2221 to develop or construct a charter school building.

2222 (3) "Development activity" means any construction or expansion of a building,
2223 structure, or use, any change in use of a building or structure, or any changes in the use of land
2224 that creates additional demand and need for public facilities.

2225 (4) "Development approval" means:

2226 (a) except as provided in Subsection (4)(b), any written authorization from a local
2227 political subdivision that authorizes the commencement of development activity;

2228 (b) development activity, for a public entity that may develop without written

- 2229 authorization from a local political subdivision;
- 2230 (c) a written authorization from a public water supplier, as defined in Section 73-1-4,
- 2231 or a private water company:
- 2232 (i) to reserve or provide:
- 2233 (A) a water right;
- 2234 (B) a system capacity; or
- 2235 (C) a distribution facility; or
- 2236 (ii) to deliver for a development activity:
- 2237 (A) culinary water; or
- 2238 (B) irrigation water; or
- 2239 (d) a written authorization from a sanitary sewer authority, as defined in Section
- 2240 10-9a-103:
- 2241 (i) to reserve or provide:
- 2242 (A) sewer collection capacity; or
- 2243 (B) treatment capacity; or
- 2244 (ii) to provide sewer service for a development activity.
- 2245 (5) "Enactment" means:
- 2246 (a) a municipal ordinance, for a municipality;
- 2247 (b) a county ordinance, for a county; and
- 2248 (c) a governing board resolution, for a ~~local~~ special district, special service district, or
- 2249 private entity.
- 2250 (6) "Encumber" means:
- 2251 (a) a pledge to retire a debt; or
- 2252 (b) an allocation to a current purchase order or contract.
- 2253 (7) "Expense for overhead" means a cost that a local political subdivision or private
- 2254 entity:
- 2255 (a) incurs in connection with:
- 2256 (i) developing an impact fee facilities plan;
- 2257 (ii) developing an impact fee analysis; or
- 2258 (iii) imposing an impact fee, including any related overhead expenses; and
- 2259 (b) calculates in accordance with a methodology that is consistent with generally

2260 accepted cost accounting practices.

2261 (8) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
2262 meter, or appurtenance to connect to a gas, water, sewer, storm water, power, or other utility
2263 system of a municipality, county, [~~local~~] special district, special service district, or private
2264 entity.

2265 (9) (a) "Impact fee" means a payment of money imposed upon new development
2266 activity as a condition of development approval to mitigate the impact of the new development
2267 on public infrastructure.

2268 (b) "Impact fee" does not mean a tax, a special assessment, a building permit fee, a
2269 hookup fee, a fee for project improvements, or other reasonable permit or application fee.

2270 (10) "Impact fee analysis" means the written analysis of each impact fee required by
2271 Section [11-36a-303](#).

2272 (11) "Impact fee facilities plan" means the plan required by Section [11-36a-301](#).

2273 (12) "Level of service" means the defined performance standard or unit of demand for
2274 each capital component of a public facility within a service area.

2275 (13) (a) "Local political subdivision" means a county, a municipality, a [~~local~~] special
2276 district under Title 17B, Limited Purpose Local Government Entities - [~~Local~~] Special
2277 Districts, or a special service district under Title 17D, Chapter 1, Special Service District Act.

2278 (b) "Local political subdivision" does not mean a school district, whose impact fee
2279 activity is governed by Section [11-36a-206](#).

2280 (14) "Private entity" means an entity in private ownership with at least 100 individual
2281 shareholders, customers, or connections, that is located in a first, second, third, or fourth class
2282 county and provides water to an applicant for development approval who is required to obtain
2283 water from the private entity either as a:

2284 (a) specific condition of development approval by a local political subdivision acting
2285 pursuant to a prior agreement, whether written or unwritten, with the private entity; or

2286 (b) functional condition of development approval because the private entity:

2287 (i) has no reasonably equivalent competition in the immediate market; and

2288 (ii) is the only realistic source of water for the applicant's development.

2289 (15) (a) "Project improvements" means site improvements and facilities that are:

2290 (i) planned and designed to provide service for development resulting from a

- 2291 development activity;
- 2292 (ii) necessary for the use and convenience of the occupants or users of development
- 2293 resulting from a development activity; and
- 2294 (iii) not identified or reimbursed as a system improvement.
- 2295 (b) "Project improvements" does not mean system improvements.
- 2296 (16) "Proportionate share" means the cost of public facility improvements that are
- 2297 roughly proportionate and reasonably related to the service demands and needs of any
- 2298 development activity.
- 2299 (17) "Public facilities" means only the following impact fee facilities that have a life
- 2300 expectancy of 10 or more years and are owned or operated by or on behalf of a local political
- 2301 subdivision or private entity:
- 2302 (a) water rights and water supply, treatment, storage, and distribution facilities;
- 2303 (b) wastewater collection and treatment facilities;
- 2304 (c) storm water, drainage, and flood control facilities;
- 2305 (d) municipal power facilities;
- 2306 (e) roadway facilities;
- 2307 (f) parks, recreation facilities, open space, and trails;
- 2308 (g) public safety facilities;
- 2309 (h) environmental mitigation as provided in Section [11-36a-205](#); or
- 2310 (i) municipal natural gas facilities.
- 2311 (18) (a) "Public safety facility" means:
- 2312 (i) a building constructed or leased to house police, fire, or other public safety entities;
- 2313 or
- 2314 (ii) a fire suppression vehicle costing in excess of \$500,000.
- 2315 (b) "Public safety facility" does not mean a jail, prison, or other place of involuntary
- 2316 incarceration.
- 2317 (19) (a) "Roadway facilities" means a street or road that has been designated on an
- 2318 officially adopted subdivision plat, roadway plan, or general plan of a political subdivision,
- 2319 together with all necessary appurtenances.
- 2320 (b) "Roadway facilities" includes associated improvements to a federal or state
- 2321 roadway only when the associated improvements:

2322 (i) are necessitated by the new development; and
 2323 (ii) are not funded by the state or federal government.
 2324 (c) "Roadway facilities" does not mean federal or state roadways.
 2325 (20) (a) "Service area" means a geographic area designated by an entity that imposes an
 2326 impact fee on the basis of sound planning or engineering principles in which a public facility,
 2327 or a defined set of public facilities, provides service within the area.
 2328 (b) "Service area" may include the entire local political subdivision or an entire area
 2329 served by a private entity.
 2330 (21) "Specified public agency" means:
 2331 (a) the state;
 2332 (b) a school district; or
 2333 (c) a charter school.
 2334 (22) (a) "System improvements" means:
 2335 (i) existing public facilities that are:
 2336 (A) identified in the impact fee analysis under Section 11-36a-304; and
 2337 (B) designed to provide services to service areas within the community at large; and
 2338 (ii) future public facilities identified in the impact fee analysis under Section
 2339 11-36a-304 that are intended to provide services to service areas within the community at large.
 2340 (b) "System improvements" does not mean project improvements.
 2341 Section 29. Section 11-36a-203 is amended to read:
 2342 **11-36a-203. Private entity assessment of impact fees -- Charges for water rights,**
 2343 **physical infrastructure -- Notice -- Audit.**
 2344 (1) A private entity:
 2345 (a) shall comply with the requirements of this chapter before imposing an impact fee;
 2346 and
 2347 (b) except as otherwise specified in this chapter, is subject to the same requirements of
 2348 this chapter as a local political subdivision.
 2349 (2) A private entity may only impose a charge for water rights or physical infrastructure
 2350 necessary to provide water or sewer facilities by imposing an impact fee.
 2351 (3) Where notice and hearing requirements are specified, a private entity shall comply
 2352 with the notice and hearing requirements for [~~local~~] special districts.

2353 (4) A private entity that assesses an impact fee under this chapter is subject to the audit
2354 requirements of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions,
2355 Interlocal Organizations, and Other Local Entities Act.

2356 Section 30. Section **11-36a-502** is amended to read:

2357 **11-36a-502. Notice to adopt or amend an impact fee facilities plan.**

2358 (1) If a local political subdivision chooses to prepare an independent impact fee
2359 facilities plan rather than include an impact fee facilities element in the general plan in
2360 accordance with Section **11-36a-301**, the local political subdivision shall, before adopting or
2361 amending the impact fee facilities plan:

2362 (a) give public notice, in accordance with Subsection (2), of the plan or amendment at
2363 least 10 days before the day on which the public hearing described in Subsection (1)(d) is
2364 scheduled;

2365 (b) make a copy of the plan or amendment, together with a summary designed to be
2366 understood by a lay person, available to the public;

2367 (c) place a copy of the plan or amendment and summary in each public library within
2368 the local political subdivision; and

2369 (d) hold a public hearing to hear public comment on the plan or amendment.

2370 (2) With respect to the public notice required under Subsection (1)(a):

2371 (a) each municipality shall comply with the notice and hearing requirements of, and,
2372 except as provided in Subsection **11-36a-701(3)(b)(ii)**, receive the protections of Sections
2373 **10-9a-205** and **10-9a-801** and Subsection **10-9a-502(2)**;

2374 (b) each county shall comply with the notice and hearing requirements of, and, except
2375 as provided in Subsection **11-36a-701(3)(b)(ii)**, receive the protections of Sections **17-27a-205**
2376 and **17-27a-801** and Subsection **17-27a-502(2)**; and

2377 (c) each [~~local~~] special district, special service district, and private entity shall comply
2378 with the notice and hearing requirements of, and receive the protections of, Section **17B-1-111**.

2379 (3) Nothing contained in this section or Section **11-36a-503** may be construed to
2380 require involvement by a planning commission in the impact fee facilities planning process.

2381 Section 31. Section **11-36a-504** is amended to read:

2382 **11-36a-504. Notice of intent to adopt impact fee enactment -- Hearing --**
2383 **Protections.**

- 2384 (1) Before adopting an impact fee enactment:
- 2385 (a) a municipality legislative body shall:
- 2386 (i) comply with the notice requirements of Section 10-9a-205 as if the impact fee
- 2387 enactment were a land use regulation;
- 2388 (ii) hold a hearing in accordance with Section 10-9a-502 as if the impact fee enactment
- 2389 were a land use regulation; and
- 2390 (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of
- 2391 Section 10-9a-801 as if the impact fee were a land use regulation;
- 2392 (b) a county legislative body shall:
- 2393 (i) comply with the notice requirements of Section 17-27a-205 as if the impact fee
- 2394 enactment were a land use regulation;
- 2395 (ii) hold a hearing in accordance with Section 17-27a-502 as if the impact fee
- 2396 enactment were a land use regulation; and
- 2397 (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of
- 2398 Section 17-27a-801 as if the impact fee were a land use regulation;
- 2399 (c) a ~~local~~ special district or special service district shall:
- 2400 (i) comply with the notice and hearing requirements of Section 17B-1-111; and
- 2401 (ii) receive the protections of Section 17B-1-111;
- 2402 (d) a local political subdivision shall at least 10 days before the day on which a public
- 2403 hearing is scheduled in accordance with this section:
- 2404 (i) make a copy of the impact fee enactment available to the public; and
- 2405 (ii) post notice of the local political subdivision's intent to enact or modify the impact
- 2406 fee, specifying the type of impact fee being enacted or modified, on the Utah Public Notice
- 2407 Website created under Section 63A-16-601; and
- 2408 (e) a local political subdivision shall submit a copy of the impact fee analysis and a
- 2409 copy of the summary of the impact fee analysis prepared in accordance with Section
- 2410 11-36a-303 on its website or to each public library within the local political subdivision.
- 2411 (2) Subsection (1)(a) or (b) may not be construed to require involvement by a planning
- 2412 commission in the impact fee enactment process.
- 2413 Section 32. Section 11-39-101 is amended to read:
- 2414 **11-39-101. Definitions.**

- 2415 As used in this chapter:
- 2416 (1) "Bid limit" means:
- 2417 (a) for a building improvement:
- 2418 (i) for the year 2003, \$40,000; and
- 2419 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an
- 2420 amount calculated by multiplying the amount of the bid limit for the previous year by the lesser
- 2421 of 3% or the actual percent change in the Consumer Price Index during the previous calendar
- 2422 year; and
- 2423 (b) for a public works project:
- 2424 (i) for the year 2003, \$125,000; and
- 2425 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an
- 2426 amount calculated by multiplying the amount of the bid limit for the previous year by the lesser
- 2427 of 3% or the actual percent change in the Consumer Price Index during the previous calendar
- 2428 year.
- 2429 (2) "Building improvement":
- 2430 (a) means the construction or repair of a public building or structure; and
- 2431 (b) does not include construction or repair at an international airport.
- 2432 (3) "Consumer Price Index" means the Consumer Price Index for All Urban
- 2433 Consumers as published by the Bureau of Labor Statistics of the United States Department of
- 2434 Labor.
- 2435 (4) (a) "Design-build project" means a building improvement or public works project
- 2436 for which both the design and construction are provided for in a single contract with a
- 2437 contractor or combination of contractors capable of providing design-build services.
- 2438 (b) "Design-build project" does not include a building improvement or public works
- 2439 project:
- 2440 (i) that a local entity undertakes under contract with a construction manager that
- 2441 guarantees the contract price and is at risk for any amount over the contract price; and
- 2442 (ii) each component of which is competitively bid.
- 2443 (5) "Design-build services" means the engineering, architectural, and other services
- 2444 necessary to formulate and implement a design-build project, including the actual construction
- 2445 of the project.

2446 (6) "Emergency repairs" means a building improvement or public works project
2447 undertaken on an expedited basis to:

2448 (a) eliminate an imminent risk of damage to or loss of public or private property;

2449 (b) remedy a condition that poses an immediate physical danger; or

2450 (c) reduce a substantial, imminent risk of interruption of an essential public service.

2451 (7) "Governing body" means:

2452 (a) for a county, city, town, or metro township, the legislative body of the county, city,
2453 town, or metro township;

2454 (b) for a ~~[local]~~ special district, the board of trustees of the ~~[local]~~ special district; and

2455 (c) for a special service district:

2456 (i) the legislative body of the county, city, or town that established the special service
2457 district, if no administrative control board has been appointed under Section 17D-1-301; or

2458 (ii) the administrative control board of the special service district, if an administrative
2459 control board has been appointed under Section 17D-1-301.

2460 ~~[(8) "Local district" has the same meaning as defined in Section 17B-1-102.]~~

2461 ~~[(9)]~~ (8) "Local entity" means a county, city, town, metro township, ~~[local]~~ special
2462 district, or special service district.

2463 ~~[(10)]~~ (9) "Lowest responsive responsible bidder" means a prime contractor who:

2464 (a) has submitted a bid in compliance with the invitation to bid and within the
2465 requirements of the plans and specifications for the building improvement or public works
2466 project;

2467 (b) is the lowest bidder that satisfies the local entity's criteria relating to financial
2468 strength, past performance, integrity, reliability, and other factors that the local entity uses to
2469 assess the ability of a bidder to perform fully and in good faith the contract requirements;

2470 (c) has furnished a bid bond or equivalent in money as a condition to the award of a
2471 prime contract; and

2472 (d) furnishes a payment and performance bond as required by law.

2473 ~~[(11)]~~ (10) "Procurement code" means the provisions of Title 63G, Chapter 6a, Utah
2474 Procurement Code.

2475 ~~[(12)]~~ (11) "Public works project":

2476 (a) means the construction of:

- 2477 (i) a park or recreational facility; or
2478 (ii) a pipeline, culvert, dam, canal, or other system for water, sewage, storm water, or
2479 flood control; and
- 2480 (b) does not include:
- 2481 (i) the replacement or repair of existing infrastructure on private property;
2482 (ii) construction commenced before June 1, 2003; and
2483 (iii) construction or repair at an international airport.
- 2484 (12) "Special district" has the same meaning as defined in Section [17B-1-102](#).
2485 (13) "Special service district" has the same meaning as defined in Section [17D-1-102](#).
- 2486 Section 33. Section **11-39-107** is amended to read:
- 2487 **11-39-107. Procurement code.**
- 2488 (1) This chapter may not be construed to:
- 2489 (a) prohibit a county or municipal legislative body from adopting the procedures of the
2490 procurement code; or
2491 (b) limit the application of the procurement code to a [~~local~~] special district or special
2492 service district.
- 2493 (2) A local entity may adopt procedures for the following construction contracting
2494 methods:
- 2495 (a) construction manager/general contractor, as defined in Section [63G-6a-103](#);
2496 (b) a method that requires that the local entity draft a plan, specifications, and an
2497 estimate for the building improvement or public works project; or
2498 (c) design-build, as defined in Section [63G-6a-103](#), if the local entity consults with a
2499 professional engineer licensed under Title 58, Chapter 22, Professional Engineers and
2500 Professional Land Surveyors Licensing Act, or an architect licensed under Title 58, Chapter 3a,
2501 Architects Licensing Act, who has design-build experience and is employed by or under
2502 contract with the local entity.
- 2503 (3) (a) In seeking bids and awarding a contract for a building improvement or public
2504 works project, a county or a municipal legislative body may elect to follow the provisions of
2505 the procurement code, as the county or municipal legislative body considers appropriate under
2506 the circumstances, for specification preparation, source selection, or contract formation.
- 2507 (b) A county or municipal legislative body's election to adopt the procedures of the

2508 procurement code may not excuse the county or municipality, respectively, from complying
2509 with the requirements to award a contract for work in excess of the bid limit and to publish
2510 notice of the intent to award.

2511 (c) An election under Subsection (3)(a) may be made on a case-by-case basis, unless
2512 the county or municipality has previously adopted the procurement code.

2513 (d) The county or municipal legislative body shall:

2514 (i) make each election under Subsection (3)(a) in an open meeting; and

2515 (ii) specify in its action the portions of the procurement code to be followed.

2516 (4) If the estimated cost of the building improvement or public works project proposed
2517 by a ~~[local]~~ special district or special service district exceeds the bid limit, the governing body
2518 of the ~~[local]~~ special district or special service district may, if it determines to proceed with the
2519 building improvement or public works project, use the competitive procurement procedures of
2520 the procurement code in place of the comparable provisions of this chapter.

2521 Section 34. Section **11-40-101** is amended to read:

2522 **11-40-101. Definitions.**

2523 As used in this chapter:

2524 (1) "Applicant" means a person who seeks employment with a public water utility,
2525 either as an employee or as an independent contractor, and who, after employment, would, in
2526 the judgment of the public water utility, be in a position to affect the safety or security of the
2527 publicly owned treatment works or public water system or to affect the safety or well-being of
2528 patrons of the public water utility.

2529 (2) "Division" means the Criminal Investigation and Technical Services Division of the
2530 Department of Public Safety, established in Section [53-10-103](#).

2531 (3) "Independent contractor":

2532 (a) means an engineer, contractor, consultant, or supplier who designs, constructs,
2533 operates, maintains, repairs, replaces, or provides water treatment or conveyance facilities or
2534 equipment, or related control or security facilities or equipment, to the public water utility; and

2535 (b) includes the employees and agents of the engineer, contractor, consultant, or
2536 supplier.

2537 (4) "Person seeking access" means a person who seeks access to a public water utility's
2538 public water system or publicly owned treatment works and who, after obtaining access, would,

2539 in the judgment of the public water utility, be in a position to affect the safety or security of the
2540 publicly owned treatment works or public water system or to affect the safety or well-being of
2541 patrons of the public water utility.

2542 (5) "Publicly owned treatment works" has the same meaning as defined in Section
2543 19-5-102.

2544 (6) "Public water system" has the same meaning as defined in Section 19-4-102.

2545 (7) "Public water utility" means a county, city, town, [~~local~~] special district under Title
2546 17B, Chapter 1, Provisions Applicable to All [~~Local~~] Special Districts, special service district
2547 under Title 17D, Chapter 1, Special Service District Act, or other political subdivision of the
2548 state that operates publicly owned treatment works or a public water system.

2549 Section 35. Section 11-42-102 is amended to read:

2550 **11-42-102. Definitions.**

2551 (1) As used in this chapter:

2552 (a) "Adequate protests" means, for all proposed assessment areas except sewer
2553 assessment areas, timely filed, written protests under Section 11-42-203 that represent at least
2554 40% of the frontage, area, taxable value, fair market value, lots, number of connections, or
2555 equivalent residential units of the property proposed to be assessed, according to the same
2556 assessment method by which the assessment is proposed to be levied, after eliminating:

2557 (i) protests relating to:

2558 (A) property that has been deleted from a proposed assessment area; or

2559 (B) an improvement that has been deleted from the proposed improvements to be
2560 provided to property within the proposed assessment area; and

2561 (ii) protests that have been withdrawn under Subsection 11-42-203(3).

2562 (b) "Adequate protests" means, for a proposed sewer assessment area, timely filed,
2563 written protests under Section 11-42-203 that represent at least 70% of the frontage, area,
2564 taxable value, fair market value, lots, number of connections, or equivalent residential units of
2565 the property proposed to be assessed, according to the same assessment method by which the
2566 assessment is proposed to be levied, after eliminating adequate protests under Subsection
2567 (1)(a).

2568 (2) "Assessment area" means an area, or, if more than one area is designated, the
2569 aggregate of all areas within a local entity's jurisdictional boundaries that is designated by a

2570 local entity under Part 2, Designating an Assessment Area, for the purpose of financing the
2571 costs of improvements, operation and maintenance, or economic promotion activities that
2572 benefit property within the area.

2573 (3) "Assessment bonds" means bonds that are:

2574 (a) issued under Section [11-42-605](#); and

2575 (b) payable in part or in whole from assessments levied in an assessment area,
2576 improvement revenues, and a guaranty fund or reserve fund.

2577 (4) "Assessment fund" means a special fund that a local entity establishes under
2578 Section [11-42-412](#).

2579 (5) "Assessment lien" means a lien on property within an assessment area that arises
2580 from the levy of an assessment, as provided in Section [11-42-501](#).

2581 (6) "Assessment method" means the method:

2582 (a) by which an assessment is levied against benefitted property, whether by frontage,
2583 area, taxable value, fair market value, lot, parcel, number of connections, equivalent residential
2584 unit, any combination of these methods, or any other method; and

2585 (b) that, when applied to a benefitted property, accounts for an assessment that meets
2586 the requirements of Section [11-42-409](#).

2587 (7) "Assessment ordinance" means an ordinance adopted by a local entity under
2588 Section [11-42-404](#) that levies an assessment on benefitted property within an assessment area.

2589 (8) "Assessment resolution" means a resolution adopted by a local entity under Section
2590 [11-42-404](#) that levies an assessment on benefitted property within an assessment area.

2591 (9) "Benefitted property" means property within an assessment area that directly or
2592 indirectly benefits from improvements, operation and maintenance, or economic promotion
2593 activities.

2594 (10) "Bond anticipation notes" means notes issued under Section [11-42-602](#) in
2595 anticipation of the issuance of assessment bonds.

2596 (11) "Bonds" means assessment bonds and refunding assessment bonds.

2597 (12) "Commercial area" means an area in which at least 75% of the property is devoted
2598 to the interchange of goods or commodities.

2599 (13) (a) "Commercial or industrial real property" means real property used directly or
2600 indirectly or held for one of the following purposes or activities, regardless of whether the

2601 purpose or activity is for profit:

2602 (i) commercial;

2603 (ii) mining;

2604 (iii) industrial;

2605 (iv) manufacturing;

2606 (v) governmental;

2607 (vi) trade;

2608 (vii) professional;

2609 (viii) a private or public club;

2610 (ix) a lodge;

2611 (x) a business; or

2612 (xi) a similar purpose.

2613 (b) "Commercial or industrial real property" includes real property that:

2614 (i) is used as or held for dwelling purposes; and

2615 (ii) contains more than four rental units.

2616 (14) "Connection fee" means a fee charged by a local entity to pay for the costs of

2617 connecting property to a publicly owned sewer, storm drainage, water, gas, communications, or

2618 electrical system, whether or not improvements are installed on the property.

2619 (15) "Contract price" means:

2620 (a) the cost of acquiring an improvement, if the improvement is acquired; or

2621 (b) the amount payable to one or more contractors for the design, engineering,

2622 inspection, and construction of an improvement.

2623 (16) "Designation ordinance" means an ordinance adopted by a local entity under

2624 Section [11-42-206](#) designating an assessment area.

2625 (17) "Designation resolution" means a resolution adopted by a local entity under

2626 Section [11-42-206](#) designating an assessment area.

2627 (18) "Development authority" means:

2628 (a) the Utah Inland Port Authority created in Section [11-58-201](#); or

2629 (b) the military installation development authority created in Section [63H-1-201](#).

2630 (19) "Economic promotion activities" means activities that promote economic growth

2631 in a commercial area of a local entity, including:

- 2632 (a) sponsoring festivals and markets;
- 2633 (b) promoting business investment or activities;
- 2634 (c) helping to coordinate public and private actions; and
- 2635 (d) developing and issuing publications designed to improve the economic well-being
- 2636 of the commercial area.

2637 (20) "Environmental remediation activity" means a surface or subsurface enhancement,

2638 effort, cost, initial or ongoing maintenance expense, facility, installation, system, earth

2639 movement, or change to grade or elevation that improves the use, function, aesthetics, or

2640 environmental condition of publicly owned property.

2641 (21) "Equivalent residential unit" means a dwelling, unit, or development that is equal

2642 to a single-family residence in terms of the nature of its use or impact on an improvement to be

2643 provided in the assessment area.

2644 (22) "Governing body" means:

- 2645 (a) for a county, city, or town, the legislative body of the county, city, or town;
- 2646 (b) for a ~~local~~ special district, the board of trustees of the ~~local~~ special district;
- 2647 (c) for a special service district:
 - 2648 (i) the legislative body of the county, city, or town that established the special service
 - 2649 district, if no administrative control board has been appointed under Section 17D-1-301; or
 - 2650 (ii) the administrative control board of the special service district, if an administrative
 - 2651 control board has been appointed under Section 17D-1-301;
- 2652 (d) for the military installation development authority created in Section 63H-1-201,
- 2653 the board, as defined in Section 63H-1-102;
- 2654 (e) for the Utah Inland Port Authority, created in Section 11-58-201, the board, as
- 2655 defined in Section 11-58-102; and
- 2656 (f) for a public infrastructure district, the board of the public infrastructure district as
- 2657 defined in Section 17D-4-102.

2658 (23) "Guaranty fund" means the fund established by a local entity under Section

2659 11-42-701.

2660 (24) "Improved property" means property upon which a residential, commercial, or

2661 other building has been built.

2662 (25) "Improvement":

- 2663 (a) (i) means a publicly owned infrastructure, facility, system, or environmental
2664 remediation activity that:
- 2665 (A) a local entity is authorized to provide;
- 2666 (B) the governing body of a local entity determines is necessary or convenient to
2667 enable the local entity to provide a service that the local entity is authorized to provide; or
- 2668 (C) a local entity is requested to provide through an interlocal agreement in accordance
2669 with Chapter 13, Interlocal Cooperation Act; and
- 2670 (ii) includes facilities in an assessment area, including a private driveway, an irrigation
2671 ditch, and a water turnout, that:
- 2672 (A) can be conveniently installed at the same time as an infrastructure, system, or other
2673 facility described in Subsection (25)(a)(i); and
- 2674 (B) are requested by a property owner on whose property or for whose benefit the
2675 infrastructure, system, or other facility is being installed; or
- 2676 (b) for a ~~local~~ special district created to assess groundwater rights in accordance with
2677 Section [17B-1-202](#), means a system or plan to regulate groundwater withdrawals within a
2678 specific groundwater basin in accordance with Sections [17B-1-202](#) and [73-5-15](#).
- 2679 (26) "Improvement revenues":
- 2680 (a) means charges, fees, impact fees, or other revenues that a local entity receives from
2681 improvements; and
- 2682 (b) does not include revenue from assessments.
- 2683 (27) "Incidental refunding costs" means any costs of issuing refunding assessment
2684 bonds and calling, retiring, or paying prior bonds, including:
- 2685 (a) legal and accounting fees;
- 2686 (b) charges of financial advisors, escrow agents, certified public accountant verification
2687 entities, and trustees;
- 2688 (c) underwriting discount costs, printing costs, the costs of giving notice;
- 2689 (d) any premium necessary in the calling or retiring of prior bonds;
- 2690 (e) fees to be paid to the local entity to issue the refunding assessment bonds and to
2691 refund the outstanding prior bonds;
- 2692 (f) any other costs that the governing body determines are necessary and proper to incur
2693 in connection with the issuance of refunding assessment bonds; and

2694 (g) any interest on the prior bonds that is required to be paid in connection with the
2695 issuance of the refunding assessment bonds.

2696 (28) "Installment payment date" means the date on which an installment payment of an
2697 assessment is payable.

2698 (29) "Interim warrant" means a warrant issued by a local entity under Section
2699 11-42-601.

2700 (30) "Jurisdictional boundaries" means:

2701 (a) for a county, the boundaries of the unincorporated area of the county; and

2702 (b) for each other local entity, the boundaries of the local entity.

2703 [~~31~~] "Local district" means a local district under Title 17B, Limited Purpose Local
2704 Government Entities - Local Districts.]

2705 [~~32~~] (31) "Local entity" means:

2706 (a) a county, city, town, special service district, or [~~local~~] special district;

2707 (b) an interlocal entity as defined in Section 11-13-103;

2708 (c) the military installation development authority, created in Section 63H-1-201;

2709 (d) a public infrastructure district under Title 17D, Chapter 4, Public Infrastructure
2710 District Act, including a public infrastructure district created by a development authority;

2711 (e) the Utah Inland Port Authority, created in Section 11-58-201; or

2712 (f) any other political subdivision of the state.

2713 [~~33~~] (32) "Local entity obligations" means assessment bonds, refunding assessment
2714 bonds, interim warrants, and bond anticipation notes issued by a local entity.

2715 [~~34~~] (33) "Mailing address" means:

2716 (a) a property owner's last-known address using the name and address appearing on the
2717 last completed real property assessment roll of the county in which the property is located; and

2718 (b) if the property is improved property:

2719 (i) the property's street number; or

2720 (ii) the post office box, rural route number, or other mailing address of the property, if
2721 a street number has not been assigned.

2722 [~~35~~] (34) "Net improvement revenues" means all improvement revenues that a local
2723 entity has received since the last installment payment date, less all amounts payable by the local
2724 entity from those improvement revenues for operation and maintenance costs.

2725 [~~(36)~~] (35) "Operation and maintenance costs":

2726 (a) means the costs that a local entity incurs in operating and maintaining
2727 improvements in an assessment area, whether or not those improvements have been financed
2728 under this chapter; and

2729 (b) includes service charges, administrative costs, ongoing maintenance charges, and
2730 tariffs or other charges for electrical, water, gas, or other utility usage.

2731 [~~(37)~~] (36) "Overhead costs" means the actual costs incurred or the estimated costs to
2732 be incurred by a local entity in connection with an assessment area for appraisals, legal fees,
2733 filing fees, financial advisory charges, underwriting fees, placement fees, escrow, trustee, and
2734 paying agent fees, publishing and mailing costs, costs of levying an assessment, recording
2735 costs, and all other incidental costs.

2736 [~~(38)~~] (37) "Prior assessment ordinance" means the ordinance levying the assessments
2737 from which the prior bonds are payable.

2738 [~~(39)~~] (38) "Prior assessment resolution" means the resolution levying the assessments
2739 from which the prior bonds are payable.

2740 [~~(40)~~] (39) "Prior bonds" means the assessment bonds that are refunded in part or in
2741 whole by refunding assessment bonds.

2742 [~~(41)~~] (40) "Project engineer" means the surveyor or engineer employed by or the
2743 private consulting engineer engaged by a local entity to perform the necessary engineering
2744 services for and to supervise the construction or installation of the improvements.

2745 [~~(42)~~] (41) "Property" includes real property and any interest in real property, including
2746 water rights and leasehold rights.

2747 [~~(43)~~] (42) "Property price" means the price at which a local entity purchases or
2748 acquires by eminent domain property to make improvements in an assessment area.

2749 [~~(44)~~] (43) "Provide" or "providing," with reference to an improvement, includes the
2750 acquisition, construction, reconstruction, renovation, maintenance, repair, operation, and
2751 expansion of an improvement.

2752 [~~(45)~~] (44) "Public agency" means:

2753 (a) the state or any agency, department, or division of the state; and

2754 (b) a political subdivision of the state.

2755 [~~(46)~~] (45) "Reduced payment obligation" means the full obligation of an owner of

2756 property within an assessment area to pay an assessment levied on the property after the
2757 assessment has been reduced because of the issuance of refunding assessment bonds, as
2758 provided in Section [11-42-608](#).

2759 ~~[(47)]~~ [\(46\)](#) "Refunding assessment bonds" means assessment bonds that a local entity
2760 issues under Section [11-42-607](#) to refund, in part or in whole, assessment bonds.

2761 ~~[(48)]~~ [\(47\)](#) "Reserve fund" means a fund established by a local entity under Section
2762 [11-42-702](#).

2763 ~~[(49)]~~ [\(48\)](#) "Service" means:

2764 (a) water, sewer, storm drainage, garbage collection, library, recreation,
2765 communications, or electric service;

2766 (b) economic promotion activities; or

2767 (c) any other service that a local entity is required or authorized to provide.

2768 ~~[(50)]~~ [\(49\)](#) (a) "Sewer assessment area" means an assessment area that has as the
2769 assessment area's primary purpose the financing and funding of public improvements to
2770 provide sewer service where there is, in the opinion of the local board of health, substantial
2771 evidence of septic system failure in the defined area due to inadequate soils, high water table,
2772 or other factors proven to cause failure.

2773 (b) "Sewer assessment area" does not include property otherwise located within the
2774 assessment area:

2775 (i) on which an approved conventional or advanced wastewater system has been
2776 installed during the previous five calendar years;

2777 (ii) for which the local health department has inspected the system described in
2778 Subsection ~~[(50)]~~ [\(49\)](#)(b)(i) to ensure that the system is functioning properly; and

2779 (iii) for which the property owner opts out of the proposed assessment area for the
2780 earlier of a period of 10 calendar years or until failure of the system described in Subsection
2781 ~~[(50)]~~ [\(49\)](#)(b)(i).

2782 [\(50\)](#) "Special district" means the same as that term is defined in Section [17B-1-102](#).

2783 [\(51\)](#) "Special service district" means the same as that term is defined in Section
2784 [17D-1-102](#).

2785 [\(52\)](#) "Unassessed benefitted government property" means property that a local entity
2786 may not assess in accordance with Section [11-42-408](#) but is benefitted by an improvement,

2787 operation and maintenance, or economic promotion activities.

2788 (53) "Unimproved property" means property upon which no residential, commercial, or
2789 other building has been built.

2790 (54) "Voluntary assessment area" means an assessment area that contains only property
2791 whose owners have voluntarily consented to an assessment.

2792 Section 36. Section **11-42a-102** is amended to read:

2793 **11-42a-102. Definitions.**

2794 (1) "Air quality standards" means that a vehicle's emissions are equal to or cleaner than
2795 the standards established in bin 4 Table S04-1, of 40 C.F.R. 86.1811-04(c)(6).

2796 (2) (a) "Assessment" means the assessment that a local entity or the C-PACE district
2797 levies on private property under this chapter to cover the costs of an energy efficiency upgrade,
2798 a renewable energy system, or an electric vehicle charging infrastructure.

2799 (b) "Assessment" does not constitute a property tax but shares the same priority lien as
2800 a property tax.

2801 (3) "Assessment fund" means a special fund that a local entity establishes under
2802 Section [11-42a-206](#).

2803 (4) "Benefitted property" means private property within an energy assessment area that
2804 directly benefits from improvements.

2805 (5) "Bond" means an assessment bond and a refunding assessment bond.

2806 (6) (a) "Commercial or industrial real property" means private real property used
2807 directly or indirectly or held for one of the following purposes or activities, regardless of
2808 whether the purpose or activity is for profit:

2809 (i) commercial;

2810 (ii) mining;

2811 (iii) agricultural;

2812 (iv) industrial;

2813 (v) manufacturing;

2814 (vi) trade;

2815 (vii) professional;

2816 (viii) a private or public club;

2817 (ix) a lodge;

- 2818 (x) a business; or
- 2819 (xi) a similar purpose.
- 2820 (b) "Commercial or industrial real property" includes:
- 2821 (i) private real property that is used as or held for dwelling purposes and contains:
- 2822 (A) more than four rental units; or
- 2823 (B) one or more owner-occupied or rental condominium units affiliated with a hotel;
- 2824 and
- 2825 (ii) real property owned by:
- 2826 (A) the military installation development authority, created in Section [63H-1-201](#); or
- 2827 (B) the Utah Inland Port Authority, created in Section [11-58-201](#).
- 2828 (7) "Contract price" means:
- 2829 (a) up to 100% of the cost of installing, acquiring, refinancing, or reimbursing for an
- 2830 improvement, as determined by the owner of the property benefitting from the improvement; or
- 2831 (b) the amount payable to one or more contractors for the assessment, design,
- 2832 engineering, inspection, and construction of an improvement.
- 2833 (8) "C-PACE" means commercial property assessed clean energy.
- 2834 (9) "C-PACE district" means the statewide authority established in Section [11-42a-106](#)
- 2835 to implement the C-PACE Act in collaboration with governing bodies, under the direction of
- 2836 OED.
- 2837 (10) "Electric vehicle charging infrastructure" means equipment that is:
- 2838 (a) permanently affixed to commercial or industrial real property; and
- 2839 (b) designed to deliver electric energy to a qualifying electric vehicle or a qualifying
- 2840 plug-in hybrid vehicle.
- 2841 (11) "Energy assessment area" means an area:
- 2842 (a) within the jurisdictional boundaries of a local entity that approves an energy
- 2843 assessment area or, if the C-PACE district or a state interlocal entity levies the assessment, the
- 2844 C-PACE district or the state interlocal entity;
- 2845 (b) containing only the commercial or industrial real property of owners who have
- 2846 voluntarily consented to an assessment under this chapter for the purpose of financing the costs
- 2847 of improvements that benefit property within the energy assessment area; and
- 2848 (c) in which the proposed benefitted properties in the area are:

- 2849 (i) contiguous; or
- 2850 (ii) located on one or more contiguous or adjacent tracts of land that would be
- 2851 contiguous or adjacent property but for an intervening right-of-way, including a sidewalk,
- 2852 street, road, fixed guideway, or waterway.
- 2853 (12) "Energy assessment bond" means a bond:
- 2854 (a) issued under Section 11-42a-401; and
- 2855 (b) payable in part or in whole from assessments levied in an energy assessment area.
- 2856 (13) "Energy assessment lien" means a lien on property within an energy assessment
- 2857 area that arises from the levy of an assessment in accordance with Section 11-42a-301.
- 2858 (14) "Energy assessment ordinance" means an ordinance that a local entity adopts
- 2859 under Section 11-42a-201 that:
- 2860 (a) designates an energy assessment area;
- 2861 (b) levies an assessment on benefitted property within the energy assessment area; and
- 2862 (c) if applicable, authorizes the issuance of energy assessment bonds.
- 2863 (15) "Energy assessment resolution" means one or more resolutions adopted by a local
- 2864 entity under Section 11-42a-201 that:
- 2865 (a) designates an energy assessment area;
- 2866 (b) levies an assessment on benefitted property within the energy assessment area; and
- 2867 (c) if applicable, authorizes the issuance of energy assessment bonds.
- 2868 (16) "Energy efficiency upgrade" means an improvement that is:
- 2869 (a) permanently affixed to commercial or industrial real property; and
- 2870 (b) designed to reduce energy or water consumption, including:
- 2871 (i) insulation in:
- 2872 (A) a wall, roof, floor, or foundation; or
- 2873 (B) a heating and cooling distribution system;
- 2874 (ii) a window or door, including:
- 2875 (A) a storm window or door;
- 2876 (B) a multiglazed window or door;
- 2877 (C) a heat-absorbing window or door;
- 2878 (D) a heat-reflective glazed and coated window or door;
- 2879 (E) additional window or door glazing;

- 2880 (F) a window or door with reduced glass area; or
- 2881 (G) other window or door modifications;
- 2882 (iii) an automatic energy control system;
- 2883 (iv) in a building or a central plant, a heating, ventilation, or air conditioning and
- 2884 distribution system;
- 2885 (v) caulk or weatherstripping;
- 2886 (vi) a light fixture that does not increase the overall illumination of a building, unless
- 2887 an increase is necessary to conform with the applicable building code;
- 2888 (vii) an energy recovery system;
- 2889 (viii) a daylighting system;
- 2890 (ix) measures to reduce the consumption of water, through conservation or more
- 2891 efficient use of water, including installation of:
- 2892 (A) low-flow toilets and showerheads;
- 2893 (B) timer or timing systems for a hot water heater; or
- 2894 (C) rain catchment systems;
- 2895 (x) a modified, installed, or remodeled fixture that is approved as a utility cost-saving
- 2896 measure by the governing body or executive of a local entity;
- 2897 (xi) measures or other improvements to effect seismic upgrades;
- 2898 (xii) structures, measures, or other improvements to provide automated parking or
- 2899 parking that reduces land use;
- 2900 (xiii) the extension of an existing natural gas distribution company line;
- 2901 (xiv) an energy efficient elevator, escalator, or other vertical transport device;
- 2902 (xv) any other improvement that the governing body or executive of a local entity
- 2903 approves as an energy efficiency upgrade; or
- 2904 (xvi) any improvement that relates physically or functionally to any of the
- 2905 improvements listed in Subsections (16)(b)(i) through (xv).
- 2906 (17) "Governing body" means:
- 2907 (a) for a county, city, town, or metro township, the legislative body of the county, city,
- 2908 town, or metro township;
- 2909 (b) for a ~~local~~ special district, the board of trustees of the ~~local~~ special district;
- 2910 (c) for a special service district:

2911 (i) if no administrative control board has been appointed under Section 17D-1-301, the
2912 legislative body of the county, city, town, or metro township that established the special service
2913 district; or

2914 (ii) if an administrative control board has been appointed under Section 17D-1-301, the
2915 administrative control board of the special service district;

2916 (d) for the military installation development authority created in Section 63H-1-201,
2917 the board, as that term is defined in Section 63H-1-102; and

2918 (e) for the Utah Inland Port Authority, created in Section 11-58-201, the board, as
2919 defined in Section 11-58-102.

2920 (18) "Improvement" means a publicly or privately owned energy efficiency upgrade,
2921 renewable energy system, or electric vehicle charging infrastructure that:

2922 (a) a property owner has requested; or

2923 (b) has been or is being installed on a property for the benefit of the property owner.

2924 (19) "Incidental refunding costs" means any costs of issuing a refunding assessment
2925 bond and calling, retiring, or paying prior bonds, including:

2926 (a) legal and accounting fees;

2927 (b) charges of financial advisors, escrow agents, certified public accountant verification
2928 entities, and trustees;

2929 (c) underwriting discount costs, printing costs, and the costs of giving notice;

2930 (d) any premium necessary in the calling or retiring of prior bonds;

2931 (e) fees to be paid to the local entity to issue the refunding assessment bond and to
2932 refund the outstanding prior bonds;

2933 (f) any other costs that the governing body determines are necessary and proper to incur
2934 in connection with the issuance of a refunding assessment bond; and

2935 (g) any interest on the prior bonds that is required to be paid in connection with the
2936 issuance of the refunding assessment bond.

2937 (20) "Installment payment date" means the date on which an installment payment of an
2938 assessment is payable.

2939 (21) "Jurisdictional boundaries" means:

2940 (a) for the C-PACE district or any state interlocal entity, the boundaries of the state;

2941 and

- 2942 (b) for each local entity, the boundaries of the local entity.
- 2943 [~~(22)~~] "Local district" means a local district under Title 17B, Limited Purpose Local
 2944 Government Entities - Local Districts.]
- 2945 [~~(23)~~] (22) (a) "Local entity" means:
- 2946 (i) a county, city, town, or metro township;
- 2947 (ii) a special service district, a [~~local~~] special district, or an interlocal entity as that term
 2948 is defined in Section 11-13-103;
- 2949 (iii) a state interlocal entity;
- 2950 (iv) the military installation development authority, created in Section 63H-1-201;
- 2951 (v) the Utah Inland Port Authority, created in Section 11-58-201; or
- 2952 (vi) any political subdivision of the state.
- 2953 (b) "Local entity" includes the C-PACE district solely in connection with:
- 2954 (i) the designation of an energy assessment area;
- 2955 (ii) the levying of an assessment; and
- 2956 (iii) the assignment of an energy assessment lien to a third-party lender under Section
 2957 11-42a-302.
- 2958 [~~(24)~~] (23) "Local entity obligations" means energy assessment bonds and refunding
 2959 assessment bonds that a local entity issues.
- 2960 [~~(25)~~] (24) "OED" means the Office of Energy Development created in Section
 2961 79-6-401.
- 2962 [~~(26)~~] (25) "OEM vehicle" means the same as that term is defined in Section 19-1-402.
- 2963 [~~(27)~~] (26) "Overhead costs" means the actual costs incurred or the estimated costs to
 2964 be incurred in connection with an energy assessment area, including:
- 2965 (a) appraisals, legal fees, filing fees, facilitation fees, and financial advisory charges;
- 2966 (b) underwriting fees, placement fees, escrow fees, trustee fees, and paying agent fees;
- 2967 (c) publishing and mailing costs;
- 2968 (d) costs of levying an assessment;
- 2969 (e) recording costs; and
- 2970 (f) all other incidental costs.
- 2971 [~~(28)~~] (27) "Parameters resolution" means a resolution or ordinance that a local entity
 2972 adopts in accordance with Section 11-42a-201.

2973 [~~(29)~~] (28) "Prior bonds" means the energy assessment bonds refunded in part or in
2974 whole by a refunding assessment bond.

2975 [~~(30)~~] (29) "Prior energy assessment ordinance" means the ordinance levying the
2976 assessments from which the prior bonds are payable.

2977 [~~(31)~~] (30) "Prior energy assessment resolution" means the resolution levying the
2978 assessments from which the prior bonds are payable.

2979 [~~(32)~~] (31) "Property" includes real property and any interest in real property, including
2980 water rights and leasehold rights.

2981 [~~(33)~~] (32) "Public electrical utility" means a large-scale electric utility as that term is
2982 defined in Section 54-2-1.

2983 [~~(34)~~] (33) "Qualifying electric vehicle" means a vehicle that:

2984 (a) meets air quality standards;

2985 (b) is not fueled by natural gas;

2986 (c) draws propulsion energy from a battery with at least 10 kilowatt hours of capacity;

2987 and

2988 (d) is an OEM vehicle except that the vehicle is fueled by a fuel described in

2989 Subsection [~~(34)~~] (33)(c).

2990 [~~(35)~~] (34) "Qualifying plug-in hybrid vehicle" means a vehicle that:

2991 (a) meets air quality standards;

2992 (b) is not fueled by natural gas or propane;

2993 (c) has a battery capacity that meets or exceeds the battery capacity described in

2994 Subsection 30D(b)(3), Internal Revenue Code; and

2995 (d) is fueled by a combination of electricity and:

2996 (i) diesel fuel;

2997 (ii) gasoline; or

2998 (iii) a mixture of gasoline and ethanol.

2999 [~~(36)~~] (35) "Reduced payment obligation" means the full obligation of an owner of
3000 property within an energy assessment area to pay an assessment levied on the property after the
3001 local entity has reduced the assessment because of the issuance of a refunding assessment
3002 bond, in accordance with Section 11-42a-403.

3003 [~~(37)~~] (36) "Refunding assessment bond" means an assessment bond that a local entity

3004 issues under Section 11-42a-403 to refund, in part or in whole, energy assessment bonds.

3005 ~~[(38)]~~ (37) (a) "Renewable energy system" means a product, system, device, or
3006 interacting group of devices that is permanently affixed to commercial or industrial real
3007 property not located in the certified service area of a distribution electrical cooperative, as that
3008 term is defined in Section 54-2-1, and:

3009 (i) produces energy from renewable resources, including:

3010 (A) a photovoltaic system;

3011 (B) a solar thermal system;

3012 (C) a wind system;

3013 (D) a geothermal system, including a generation system, a direct-use system, or a
3014 ground source heat pump system;

3015 (E) a microhydro system;

3016 (F) a biofuel system; or

3017 (G) any other renewable source system that the governing body of the local entity
3018 approves;

3019 (ii) stores energy, including:

3020 (A) a battery storage system; or

3021 (B) any other energy storing system that the governing body or chief executive officer
3022 of a local entity approves; or

3023 (iii) any improvement that relates physically or functionally to any of the products,
3024 systems, or devices listed in Subsection ~~[(38)]~~ (37)(a)(i) or (ii).

3025 (b) "Renewable energy system" does not include a system described in Subsection
3026 ~~[(38)]~~ (37)(a)(i) if the system provides energy to property outside the energy assessment area,
3027 unless the system:

3028 (i) (A) existed before the creation of the energy assessment area; and

3029 (B) beginning before January 1, 2017, provides energy to property outside of the area
3030 that became the energy assessment area; or

3031 (ii) provides energy to property outside the energy assessment area under an agreement
3032 with a public electrical utility that is substantially similar to agreements for other renewable
3033 energy systems that are not funded under this chapter.

3034 (38) "Special district" means a special district under Title 17B, Limited Purpose Local

3035 Government Entities - Special Districts.

3036 (39) "Special service district" means the same as that term is defined in Section
3037 17D-1-102.

3038 (40) "State interlocal entity" means:

3039 (a) an interlocal entity created under Chapter 13, Interlocal Cooperation Act, by two or
3040 more counties, cities, towns, or metro townships that collectively represent at least a majority
3041 of the state's population; or

3042 (b) an entity that another state authorized, before January 1, 2017, to issue bonds,
3043 notes, or other obligations or refunding obligations to finance or refinance projects in the state.

3044 (41) "Third-party lender" means a trust company, savings bank, savings and loan
3045 association, bank, credit union, or any other entity that provides loans directly to property
3046 owners for improvements authorized under this chapter.

3047 Section 37. Section 11-43-102 is amended to read:

3048 **11-43-102. Memorials by political subdivisions.**

3049 (1) As used in this section:

3050 (a) "Political subdivision" means ~~[any]~~ a county, city, town, or school district.

3051 (b) "Political subdivision" does not mean a ~~[local]~~ special district under Title 17B,
3052 Limited Purpose Local Government Entities - ~~[Local]~~ Special Districts, or a special service
3053 district under Title 17D, Chapter 1, Special Service District Act.

3054 (2) A political subdivision may authorize the use or donation of the political
3055 subdivision's land for the purpose of maintaining, erecting, or contributing to the erection or
3056 maintenance of a memorial to commemorate those individuals who have:

3057 (a) participated in or have given their lives in any of the one or more wars or military
3058 conflicts in which the United States of America has been a participant; or

3059 (b) given their lives in association with public service on behalf of the state or the
3060 political subdivision, including firefighters, peace officers, highway patrol officers, or other
3061 public servants.

3062 (3) The use or donation of a political subdivision's land in relation to a memorial
3063 described in Subsection (2) may include:

3064 (a) using or appropriating public funds for the purchase, development, improvement, or
3065 maintenance of public land on which a memorial is located or established;

3066 (b) using or appropriating public funds for the erection, improvement, or maintenance
3067 of a memorial;

3068 (c) donating or selling public land for use in relation to a memorial; or

3069 (d) authorizing the use of a political subdivision's land for a memorial that is funded or
3070 maintained in part or in full by another public or private entity.

3071 (4) The political subdivision may specify the form, placement, and design of a
3072 memorial that is subject to this section.

3073 Section 38. Section **11-47-102** is amended to read:

3074 **11-47-102. Definitions.**

3075 For purposes of this chapter, "elected official" means each person elected to a county
3076 office, municipal office, school board or school district office, ~~local~~ special district office, or
3077 special service district office, but does not include judges.

3078 Section 39. Section **11-48-101.5** is amended to read:

3079 **11-48-101.5. Definitions.**

3080 As used in this chapter:

3081 (1) (a) "911 ambulance services" means ambulance services rendered in response to a
3082 911 call received by a designated dispatch center that receives 911 or E911 calls.

3083 (b) "911 ambulance services" does not mean a seven or ten digit telephone call
3084 received directly by an ambulance provider licensed under Title 26, Chapter 8a, Utah
3085 Emergency Medical Services System Act.

3086 (2) "Municipality" means a city, town, or metro township.

3087 (3) "Political subdivision" means a county, city, town, ~~local~~ special district, or special
3088 service district.

3089 Section 40. Section **11-48-103** is amended to read:

3090 **11-48-103. Provision of 911 ambulance services in municipalities and counties.**

3091 (1) The governing body of each municipality and county shall, subject to Title 26,
3092 Chapter 8a, Part 4, Ambulance and Paramedic Providers, ensure at least a minimum level of
3093 911 ambulance services are provided:

3094 (a) within the territorial limits of the municipality or county;

3095 (b) by a ground ambulance provider, licensed by the Department of Health under Title
3096 26, Chapter 8a, Part 4, Ambulance and Paramedic Providers; and

3097 (c) in accordance with rules established by the State Emergency Medical Services
3098 Committee under Subsection 26-8a-104(8).

3099 (2) A municipality or county may:

3100 (a) subject to Subsection (3), maintain and support 911 ambulance services for the
3101 municipality's or county's own jurisdiction; or

3102 (b) contract to:

3103 (i) provide 911 ambulance services to any county, municipal corporation, [~~local~~
3104 special district, special service district, interlocal entity, private corporation, nonprofit
3105 corporation, state agency, or federal agency;

3106 (ii) receive 911 ambulance services from any county, municipal corporation, [~~local~~
3107 special district, special service district, interlocal entity, private corporation, nonprofit
3108 corporation, state agency, or federal agency;

3109 (iii) jointly provide 911 ambulance services with any county, municipal corporation,
3110 [~~local~~ special district, special service district, interlocal entity, private corporation, nonprofit
3111 corporation, state agency, or federal agency; or

3112 (iv) contribute toward the support of 911 ambulance services in any county, municipal
3113 corporation, [~~local~~ special district, special service district, interlocal entity, private
3114 corporation, nonprofit corporation, state agency, or federal agency in return for 911 ambulance
3115 services.

3116 (3) (a) A municipality or county that maintains and supports 911 ambulance services
3117 for the municipality's or county's own jurisdiction under Subsection (2)(a) shall obtain a license
3118 as a ground ambulance provider from the Department of Health under Title 26, Chapter 8a,
3119 Part 4, Ambulance and Paramedic Providers.

3120 (b) Subsections 26-8a-405 through 26-8a-405.3 do not apply to a license described in
3121 Subsection (3)(a).

3122 Section 41. Section 11-50-102 is amended to read:

3123 **11-50-102. Definitions.**

3124 As used in this chapter:

3125 (1) "Annual financial report" means a comprehensive annual financial report or similar
3126 financial report required by Section 51-2a-201.

3127 (2) "Chief administrative officer" means the chief administrative officer designated in

3128 accordance with Section 11-50-202.

3129 (3) "Chief financial officer" means the chief financial officer designated in accordance
3130 with Section 11-50-202.

3131 (4) "Governing body" means:

3132 (a) for a county, city, or town, the legislative body of the county, city, or town;

3133 (b) for a ~~local~~ special district, the board of trustees of the ~~local~~ special district;

3134 (c) for a school district, the local board of education; or

3135 (d) for a special service district under Title 17D, Chapter 1, Special Service District

3136 Act:

3137 (i) the governing body of the county or municipality that created the special service
3138 district, if no administrative control board has been established under Section 17D-1-301; or

3139 (ii) the administrative control board, if one has been established under Section
3140 17D-1-301.

3141 (5) (a) "Political subdivision" means any county, city, town, school district, community
3142 reinvestment agency, special improvement or taxing district, ~~local~~ special district, special
3143 service district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13,
3144 Interlocal Cooperation Act, or other governmental subdivision or public corporation.

3145 (b) Notwithstanding Subsection (5)(a), "political subdivision" does not mean a project
3146 entity, as defined in Section 11-13-103.

3147 Section 42. Section 11-52-102 is amended to read:

3148 **11-52-102. Definitions.**

3149 As used in this chapter:

3150 (1) "Federal receipts" means the federal financial assistance, as defined in 31 U.S.C.
3151 Sec. 7501, that is reported as part of a single audit.

3152 (2) "Political subdivision" means:

3153 (a) a county, as defined in Section 17-50-101;

3154 (b) a municipality, as defined in Section 10-1-104;

3155 (c) a ~~local~~ special district, as defined in Section 17B-1-102;

3156 (d) a special service district, as defined in Section 17D-1-102;

3157 (e) an interlocal entity, as defined in Section 11-13-103;

3158 (f) a community reinvestment agency created under Title 17C, Limited Purpose Local

3159 Government Entities - Community Reinvestment Agency Act;

3160 (g) a local building authority, as defined in Section 17D-2-102; or

3161 (h) a conservation district, as defined in Section 17D-3-102.

3162 (3) "Single audit" has the same meaning as defined in 31 U.S.C. Sec. 7501.

3163 Section 43. Section 11-54-102 is amended to read:

3164 **11-54-102. Definitions.**

3165 As used in this chapter:

3166 (1) "Buyback purchaser" means a person who buys a procurement item from the local
3167 government entity to which the person previously sold the procurement item.

3168 (2) "Excess repurchase amount" means the difference between:

3169 (a) the amount a buyback purchaser pays to a local government entity to purchase a
3170 procurement item that the buyback purchaser previously sold to the local government entity;
3171 and

3172 (b) the amount the local government entity paid to the buyback purchaser to purchase
3173 the procurement item.

3174 (3) "Local government entity" means a county, city, town, metro township, [~~local~~]
3175 special district, special service district, community reinvestment agency, conservation district,
3176 or school district that is not subject to Title 63G, Chapter 6a, Utah Procurement Code.

3177 (4) "Procurement item" means the same as that term is defined in Section 63G-6a-103.

3178 Section 44. Section 11-55-102 is amended to read:

3179 **11-55-102. Definitions.**

3180 As used in this chapter:

3181 (1) "Board" means the same as that term is defined in Section 63A-3-106.

3182 (2) "Board member" means the same as that term is defined in Section 63A-3-106.

3183 (3) "Municipality" means the same as that term is defined in Section 10-1-104.

3184 (4) "Political subdivision" means a county, municipality, school district, limited
3185 purpose local government entity described in Title 17B, Limited Purpose Local Government
3186 Entities - [~~Local~~] Special Districts, Title 17C, Limited Purpose Local Government Entities -
3187 Community Reinvestment Agency Act, or Title 17D, Limited Purpose Local Government
3188 Entities - Other Entities, or an entity created by an interlocal agreement adopted under Title 11,
3189 Chapter 13, Interlocal Cooperation Act, or any other governmental subdivision or public

3190 corporation.

3191 Section 45. Section **11-57-102** is amended to read:

3192 **11-57-102. Definitions.**

3193 As used in this chapter:

3194 (1) "Employee" means a person who is not an elected or appointed officer and who is
3195 employed on a full- or part-time basis by a political subdivision.

3196 (2) "Officer" means a person who is elected or appointed to an office or position within
3197 a political subdivision.

3198 (3) (a) "Personal use expenditure" means an expenditure made without the authority of
3199 law that:

3200 (i) is not directly related to the performance of an activity as an officer or employee of
3201 a political subdivision;

3202 (ii) primarily furthers a personal interest of an officer or employee of a political
3203 subdivision or the family, a friend, or an associate of an officer or employee of a political
3204 subdivision; and

3205 (iii) would constitute taxable income under federal law.

3206 (b) "Personal use expenditure" does not include:

3207 (i) a de minimis or incidental expenditure;

3208 (ii) a monthly vehicle allowance; or

3209 (iii) a government vehicle that an officer or employee uses to travel to and from the
3210 officer or employee's official duties, including an allowance for personal use as provided by a
3211 written policy of the political subdivision.

3212 (4) "Political subdivision" means any county, city, town, school district, community
3213 reinvestment agency, special improvement or taxing district, ~~local~~ special district, special
3214 service district, entity created by an interlocal agreement adopted under Title 11, Chapter 13,
3215 Interlocal Cooperation Act, or other governmental subdivision or public corporation.

3216 (5) "Public funds" means the same as that term is defined in Section [51-7-3](#).

3217 Section 46. Section **11-58-102** is amended to read:

3218 **11-58-102. Definitions.**

3219 As used in this chapter:

3220 (1) "Authority" means the Utah Inland Port Authority, created in Section [11-58-201](#).

- 3221 (2) "Authority jurisdictional land" means land within the authority boundary
3222 delineated:
- 3223 (a) in the electronic shapefile that is the electronic component of H.B. 2001, Utah
3224 Inland Port Authority Amendments, 2018 Second Special Session; and
3225 (b) beginning April 1, 2020, as provided in Subsection [11-58-202](#)(3).
- 3226 (3) "Base taxable value" means:
- 3227 (a) (i) except as provided in Subsection (3)(a)(ii), for a project area that consists of the
3228 authority jurisdictional land, the taxable value of authority jurisdictional land in calendar year
3229 2018; and
3230 (ii) for an area described in Subsection [11-58-601](#)(5), the taxable value of that area in
3231 calendar year 2017; or
3232 (b) for a project area that consists of land outside the authority jurisdictional land, the
3233 taxable value of property within any portion of a project area, as designated by board
3234 resolution, from which the property tax differential will be collected, as shown upon the
3235 assessment roll last equalized before the year in which the authority adopts a project area plan
3236 for that area.
- 3237 (4) "Board" means the authority's governing body, created in Section [11-58-301](#).
- 3238 (5) "Business plan" means a plan designed to facilitate, encourage, and bring about
3239 development of the authority jurisdictional land to achieve the goals and objectives described
3240 in Subsection [11-58-203](#)(1), including the development and establishment of an inland port.
- 3241 (6) "Development" means:
- 3242 (a) the demolition, construction, reconstruction, modification, expansion, or
3243 improvement of a building, utility, infrastructure, landscape, parking lot, park, trail,
3244 recreational amenity, or other facility, including publicly owned infrastructure and
3245 improvements; and
3246 (b) the planning of, arranging for, or participation in any of the activities listed in
3247 Subsection (6)(a).
- 3248 (7) "Development project" means a project for the development of land within a
3249 project area.
- 3250 (8) "Inland port" means one or more sites that:
- 3251 (a) contain multimodal transportation assets and other facilities that:

- 3252 (i) are related but may be separately owned and managed; and
- 3253 (ii) together are intended to:
 - 3254 (A) allow global trade to be processed and altered by value-added services as goods
 - 3255 move through the supply chain;
 - 3256 (B) provide a regional merging point for transportation modes for the distribution of
 - 3257 goods to and from ports and other locations in other regions;
 - 3258 (C) provide cargo-handling services to allow freight consolidation and distribution,
 - 3259 temporary storage, customs clearance, and connection between transport modes; and
 - 3260 (D) provide international logistics and distribution services, including freight
 - 3261 forwarding, customs brokerage, integrated logistics, and information systems; and
 - 3262 (b) may include a satellite customs clearance terminal, an intermodal facility, a
 - 3263 customs pre-clearance for international trade, or other facilities that facilitate, encourage, and
 - 3264 enhance regional, national, and international trade.
- 3265 (9) "Inland port use" means a use of land:
 - 3266 (a) for an inland port;
 - 3267 (b) that directly implements or furthers the purposes of an inland port, as stated in
 - 3268 Subsection (8);
 - 3269 (c) that complements or supports the purposes of an inland port, as stated in Subsection
 - 3270 (8); or
 - 3271 (d) that depends upon the presence of the inland port for the viability of the use.
- 3272 (10) "Intermodal facility" means a hub or other facility for trade combining any
- 3273 combination of rail, trucking, air cargo, and other transportation services.
- 3274 (11) "Nonvoting member" means an individual appointed as a member of the board
- 3275 under Subsection [11-58-302\(6\)](#) who does not have the power to vote on matters of authority
- 3276 business.
- 3277 (12) "Project area" means:
 - 3278 (a) the authority jurisdictional land; or
 - 3279 (b) land outside the authority jurisdictional land, whether consisting of a single
 - 3280 contiguous area or multiple noncontiguous areas, described in a project area plan or draft
 - 3281 project area plan, where the development project set forth in the project area plan or draft
 - 3282 project area plan takes place or is proposed to take place.

3283 (13) "Project area budget" means a multiyear projection of annual or cumulative
3284 revenues and expenses and other fiscal matters pertaining to the project area.

3285 (14) "Project area plan" means a written plan that, after its effective date, guides and
3286 controls the development within a project area.

3287 (15) "Property tax" includes a privilege tax and each levy on an ad valorem basis on
3288 tangible or intangible personal or real property.

3289 (16) "Property tax differential":

3290 (a) means the difference between:

3291 (i) the amount of property tax revenues generated each tax year by all taxing entities
3292 from a project area, using the current assessed value of the property; and

3293 (ii) the amount of property tax revenues that would be generated from that same area
3294 using the base taxable value of the property; and

3295 (b) does not include property tax revenue from:

3296 (i) a county additional property tax or multicounty assessing and collecting levy
3297 imposed in accordance with Section 59-2-1602;

3298 (ii) a judgment levy imposed by a taxing entity under Section 59-2-1328 or 59-2-1330;

3299 or

3300 (iii) a levy imposed by a taxing entity under Section 11-14-310 to pay for a general
3301 obligation bond.

3302 (17) "Public entity" means:

3303 (a) the state, including each department, division, or other agency of the state; or

3304 (b) a county, city, town, metro township, school district, ~~local~~ special district, special
3305 service district, interlocal cooperation entity, community reinvestment agency, or other political
3306 subdivision of the state, including the authority.

3307 (18) "Publicly owned infrastructure and improvements":

3308 (a) means infrastructure, improvements, facilities, or buildings that:

3309 (i) benefit the public; and

3310 (ii) (A) are owned by a public entity or a utility; or

3311 (B) are publicly maintained or operated by a public entity;

3312 (b) includes:

3313 (i) facilities, lines, or systems that provide:

3314 (A) water, chilled water, or steam; or

3315 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy,
3316 microgrids, or telecommunications service; and

3317 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking
3318 facilities, and public transportation facilities.

3319 (19) "Shapefile" means the digital vector storage format for storing geometric location
3320 and associated attribute information.

3321 (20) "Taxable value" means the value of property as shown on the last equalized
3322 assessment roll.

3323 (21) "Taxing entity":

3324 (a) means a public entity that levies a tax on property within a project area; and

3325 (b) does not include a public infrastructure district that the authority creates under Title
3326 17D, Chapter 4, Public Infrastructure District Act.

3327 (22) "Voting member" means an individual appointed or designated as a member of the
3328 board under Subsection [11-58-302\(2\)](#).

3329 Section 47. Section **11-58-205** is amended to read:

3330 **11-58-205. Applicability of other law -- Cooperation of state and local**
3331 **governments -- Municipality to consider board input -- Prohibition relating to natural**
3332 **resources -- Inland port as permitted or conditional use -- Municipal services --**
3333 **Disclosure by nonauthority governing body member.**

3334 (1) Except as otherwise provided in this chapter, the authority does not have and may
3335 not exercise any powers relating to the regulation of land uses on the authority jurisdictional
3336 land.

3337 (2) The authority is subject to and governed by Sections [63E-2-106](#), [63E-2-107](#),
3338 [63E-2-108](#), [63E-2-109](#), [63E-2-110](#), and [63E-2-111](#), but is not otherwise subject to or governed
3339 by Title 63E, Independent Entities Code.

3340 (3) A department, division, or other agency of the state and a political subdivision of
3341 the state shall cooperate with the authority to the fullest extent possible to provide whatever
3342 support, information, or other assistance the board requests that is reasonably necessary to help
3343 the authority fulfill its duties and responsibilities under this chapter.

3344 (4) In making decisions affecting the authority jurisdictional land, the legislative body

3345 of a municipality in which the authority jurisdictional land is located shall consider input from
3346 the authority board.

3347 (5) (a) No later than December 31, 2018, the ordinances of a municipality with
3348 authority jurisdictional land within its boundary shall allow an inland port as a permitted or
3349 conditional use, subject to standards that are:

3350 (i) determined by the municipality; and

3351 (ii) consistent with the policies and objectives stated in Subsection 11-58-203(1).

3352 (b) A municipality whose ordinances do not comply with Subsection (5)(a) within the
3353 time prescribed in that subsection shall allow an inland port as a permitted use without regard
3354 to any contrary provision in the municipality's land use ordinances.

3355 (6) The transporting, unloading, loading, transfer, or temporary storage of natural
3356 resources may not be prohibited on the authority jurisdictional land.

3357 (7) (a) A municipality whose boundary includes authority jurisdictional land shall
3358 provide the same municipal services to the area of the municipality that is within the authority
3359 jurisdictional land as the municipality provides to other areas of the municipality with similar
3360 zoning and a similar development level.

3361 (b) The level and quality of municipal services that a municipality provides within
3362 authority jurisdictional land shall be fairly and reasonably consistent with the level and quality
3363 of municipal services that the municipality provides to other areas of the municipality with
3364 similar zoning and a similar development level.

3365 (8) (a) As used in this Subsection (8):

3366 (i) "Direct financial benefit" means the same as that term is defined in Section
3367 11-58-304.

3368 (ii) "Nonauthority governing body member" means a member of the board or other
3369 body that has authority to make decisions for a nonauthority government owner.

3370 (iii) "Nonauthority government owner" mean a state agency or nonauthority local
3371 government entity that owns land that is part of the authority jurisdictional land.

3372 (iv) "Nonauthority local government entity":

3373 (A) means a county, city, town, metro township, ~~local~~ special district, special service
3374 district, community reinvestment agency, or other political subdivision of the state; and

3375 (B) excludes the authority.

3376 (v) "State agency" means a department, division, or other agency or instrumentality of
3377 the state, including an independent state agency.

3378 (b) A nonauthority governing body member who owns or has a financial interest in
3379 land that is part of the authority jurisdictional land or who reasonably expects to receive a
3380 direct financial benefit from development of authority jurisdictional land shall submit a written
3381 disclosure to the authority board and the nonauthority government owner.

3382 (c) A written disclosure under Subsection (8)(b) shall describe, as applicable:

3383 (i) the nonauthority governing body member's ownership or financial interest in
3384 property that is part of the authority jurisdictional land; and

3385 (ii) the direct financial benefit the nonauthority governing body member expects to
3386 receive from development of authority jurisdictional land.

3387 (d) A nonauthority governing body member required under Subsection (8)(b) to submit
3388 a written disclosure shall submit the disclosure no later than 30 days after:

3389 (i) the nonauthority governing body member:

3390 (A) acquires an ownership or financial interest in property that is part of the authority
3391 jurisdictional land; or

3392 (B) first knows that the nonauthority governing body member expects to receive a
3393 direct financial benefit from the development of authority jurisdictional land; or

3394 (ii) the effective date of this Subsection (8), if that date is later than the period
3395 described in Subsection (8)(d)(i).

3396 (e) A written disclosure submitted under this Subsection (8) is a public record.

3397 Section 48. Section **11-59-102** is amended to read:

3398 **11-59-102. Definitions.**

3399 As used in this chapter:

3400 (1) "Authority" means the Point of the Mountain State Land Authority, created in
3401 Section [11-59-201](#).

3402 (2) "Board" means the authority's board, created in Section [11-59-301](#).

3403 (3) "Development":

3404 (a) means the construction, reconstruction, modification, expansion, or improvement of
3405 a building, utility, infrastructure, landscape, parking lot, park, trail, recreational amenity, or
3406 other facility, including:

3407 (i) the demolition or preservation or repurposing of a building, infrastructure, or other
3408 facility;

3409 (ii) surveying, testing, locating existing utilities and other infrastructure, and other
3410 preliminary site work; and

3411 (iii) any associated planning, design, engineering, and related activities; and

3412 (b) includes all activities associated with:

3413 (i) marketing and business recruiting activities and efforts;

3414 (ii) leasing, or selling or otherwise disposing of, all or any part of the point of the
3415 mountain state land; and

3416 (iii) planning and funding for mass transit infrastructure to service the point of the
3417 mountain state land.

3418 (4) "New correctional facility" means the state correctional facility being developed in
3419 Salt Lake City to replace the state correctional facility in Draper.

3420 (5) "Point of the mountain state land" means the approximately 700 acres of
3421 state-owned land in Draper, including land used for the operation of a state correctional facility
3422 until completion of the new correctional facility and state-owned land in the vicinity of the
3423 current state correctional facility.

3424 (6) "Public entity" means:

3425 (a) the state, including each department, division, or other agency of the state; or

3426 (b) a county, city, town, metro township, school district, [~~local~~] special district, special
3427 service district, interlocal cooperation entity, community reinvestment agency, or other political
3428 subdivision of the state, including the authority.

3429 Section 49. Section **11-59-204** is amended to read:

3430 **11-59-204. Applicability of other law -- Coordination with municipality.**

3431 (1) The authority and the point of the mountain state land are not subject to:

3432 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or

3433 (b) the jurisdiction of a [~~local~~] special district under Title 17B, Limited Purpose Local
3434 Government Entities - [~~Local~~] Special Districts, or a special service district under Title 17D,

3435 Chapter 1, Special Service District Act, except to the extent that:

3436 (i) some or all of the point of the mountain state land is, on May 8, 2018, included
3437 within the boundary of a [~~local~~] special district or special service district; and

3438 (ii) the authority elects to receive service from the [local] special district or special
3439 service district for the point of the mountain state land that is included within the boundary of
3440 the [local] special district or special service district, respectively.

3441 (2) In formulating and implementing a development plan for the point of the mountain
3442 state land, the authority shall consult with officials of the municipality within which the point
3443 of the mountain state land is located on planning and zoning matters.

3444 (3) The authority is subject to and governed by Sections 63E-2-106, 63E-2-107,
3445 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed
3446 by Title 63E, Independent Entities Code.

3447 (4) Nothing in this chapter may be construed to remove the point of the mountain state
3448 land from the service area of the municipality in which the point of the mountain state land is
3449 located, for purposes of water, sewer, and other similar municipal services currently being
3450 provided.

3451 (5) The authority is subject to Title 52, Chapter 4, Open and Public Meetings Act,
3452 except that for an electronic meeting of the authority board that otherwise complies with
3453 Section 52-4-207, the authority board:

3454 (a) is not required to establish an anchor location; and

3455 (b) may convene and conduct the meeting without the written determination otherwise
3456 required under Subsection 52-4-207(4).

3457 Section 50. Section 11-60-102 is amended to read:

3458 **11-60-102. Definitions.**

3459 As used in this chapter:

3460 (1) "Direct charge" means a charge, fee, assessment, or amount, other than a property
3461 tax, that a political subdivision charges to a property owner.

3462 (2) "Nonrecurring tax notice charge" means a tax notice charge that a political
3463 subdivision certifies to the county treasurer on a one-time or case-by-case basis rather than
3464 regularly over multiple calendar years.

3465 (3) "Notice of lien" means a notice that:

3466 (a) a political subdivision records in the office of the recorder of the county in which a
3467 property that is the subject of a nonrecurring tax notice charge is located; and

3468 (b) describes the nature and amount of the nonrecurring tax notice charge and whether

3469 the political subdivision intends to certify the charge to the county treasurer under statutory
 3470 authority that allows the treasurer to place the charge on the property tax notice described in
 3471 Section [59-2-1317](#).

3472 (4) "Political subdivision" means:

3473 (a) a county, as that term is defined in Section [17-50-101](#);

3474 (b) a municipality, as that term is defined in Section [10-1-104](#);

3475 (c) a [~~local~~] special district, as that term is defined in Section [17B-1-102](#);

3476 (d) a special service district, as that term is defined in Section [17D-1-102](#);

3477 (e) an interlocal entity, as that term is defined in Section [11-13-103](#);

3478 (f) a community reinvestment agency created under Title 17C, Limited Purpose Local

3479 Government Entities - Community Reinvestment Agency Act;

3480 (g) a local building authority, as that term is defined in Section [17D-2-102](#);

3481 (h) a conservation district, as that term is defined in Section [17D-3-102](#); or

3482 (i) a local entity, as that term is defined in Sections [11-42-102](#) and [11-42a-102](#).

3483 (5) "Political subdivision lien" means a lien that a statute expressly authorizes a
 3484 political subdivision to hold and record, including a direct charge that constitutes, according to
 3485 an express statutory provision, a lien.

3486 (6) "Property tax" means a tax imposed on real property under Title 59, Chapter 2,
 3487 Property Tax Act, Title 59, Chapter 3, Tax Equivalent Property Act, or Title 59, Chapter 4,
 3488 Privilege Tax.

3489 (7) "Tax notice charge" means the same as that term is defined in Section [59-2-1301.5](#).

3490 (8) "Tax sale" means the tax sale described in Title 59, Chapter 2, Part 13, Collection
 3491 of Taxes.

3492 Section 51. Section **11-61-102** is amended to read:

3493 **11-61-102. Definitions.**

3494 As used in this chapter:

3495 (1) "Expressive activity" means:

3496 (a) peacefully assembling, protesting, or speaking;

3497 (b) distributing literature;

3498 (c) carrying a sign; or

3499 (d) signature gathering or circulating a petition.

- 3500 (2) "Generally applicable time, place, and manner restriction" means a content-neutral
3501 ordinance, policy, practice, or other action that:
- 3502 (a) by its clear language and intent, restricts or infringes on expressive activity;
 - 3503 (b) applies generally to any person; and
 - 3504 (c) is not an individually applicable time, place, and manner restriction.
- 3505 (3) (a) "Individually applicable time, place, and manner restriction" means a
3506 content-neutral policy, practice, or other action:
- 3507 (i) that restricts or infringes on expressive activity; and
 - 3508 (ii) that a political subdivision applies:
 - 3509 (A) on a case-by-case basis;
 - 3510 (B) to a specifically identified person or group of persons; and
 - 3511 (C) regarding a specifically identified place and time.
 - 3512 (b) "Individually applicable time, place, and manner restriction" includes a restriction
3513 placed on expressive activity as a condition to obtain a permit.
- 3514 (4) (a) "Political subdivision" means a county, city, town, or metro township.
- 3515 (b) "Political subdivision" does not mean:
- 3516 (i) a ~~local~~ special district under Title 17B, Limited Purpose Local Government
3517 Entities - ~~Local~~ Special Districts;
 - 3518 (ii) a special service district under Title 17D, Chapter 1, Special Service District Act;
3519 or
 - 3520 (iii) a school district under Title 53G, Chapter 3, School District Creation and Change.
- 3521 (5) (a) "Public building" means a building or permanent structure that is:
- 3522 (i) owned, leased, or occupied by a political subdivision or a subunit of a political
3523 subdivision;
 - 3524 (ii) open to public access in whole or in part; and
 - 3525 (iii) used for public education or political subdivision activities.
- 3526 (b) "Public building" does not mean:
- 3527 (i) a building owned or leased by a political subdivision or a subunit of a political
3528 subdivision:
 - 3529 (A) that is closed to public access;
 - 3530 (B) where state or federal law restricts expressive activity; or

3531 (C) when the building is used by a person, in whole or in part, for a private function; or
3532 (ii) a public school.

3533 (6) (a) "Public grounds" means the area outside a public building that is a traditional
3534 public forum where members of the public may safely gather to engage in expressive activity.

3535 (b) "Public grounds" includes sidewalks, streets, and parks.

3536 (c) "Public grounds" does not include the interior of a public building.

3537 Section 52. Section 13-8-5 is amended to read:

3538 **13-8-5. Definitions -- Limitation on retention proceeds withheld -- Deposit in**
3539 **interest-bearing escrow account -- Release of proceeds -- Payment to subcontractors --**
3540 **Penalty -- No waiver.**

3541 (1) As used in this section:

3542 (a) (i) "Construction contract" means a written agreement between the parties relative
3543 to the design, construction, alteration, repair, or maintenance of a building, structure, highway,
3544 appurtenance, appliance, or other improvements to real property, including moving,
3545 demolition, and excavating for nonresidential commercial or industrial construction projects.

3546 (ii) If the construction contract is for construction of a project that is part residential
3547 and part nonresidential, this section applies only to that portion of the construction project that
3548 is nonresidential as determined pro rata based on the percentage of the total square footage of
3549 the project that is nonresidential.

3550 (b) "Construction lender" means any person, including a bank, trust company, savings
3551 bank, industrial bank, land bank, safe deposit company, private banker, savings and loan
3552 association, credit union, cooperative bank, small loan company, sales finance company,
3553 investment company, or any other financial institution that advances money to a borrower for
3554 the purpose of making alterations or improvements to real property. A construction lender
3555 does not include a person or entity who is acting in the capacity of contractor, original
3556 contractor, or subcontractor.

3557 (c) "Construction project" means an improvement to real property that is the subject of
3558 a construction contract.

3559 (d) "Contractor" means a person who, for compensation other than wages as an
3560 employee, undertakes any work in a construction trade, as defined in Section 58-55-102 and
3561 includes:

3562 (i) any person engaged as a maintenance person who regularly engages in activities set
3563 forth in Section 58-55-102 as a construction trade; or

3564 (ii) a construction manager who performs management and counseling services on a
3565 construction project for a fee.

3566 (e) "Original contractor" means the same as that term is defined in Section 38-1a-102.

3567 (f) "Owner" means the person who holds any legal or equitable title or interest in
3568 property. Owner does not include a construction lender unless the construction lender has an
3569 ownership interest in the property other than solely as a construction lender.

3570 (g) "Public agency" means any state agency or a county, city, town, school district,
3571 [local] special district, special service district, or other political subdivision of the state that
3572 enters into a construction contract for an improvement of public property.

3573 (h) "Retention payment" means release of retention proceeds as defined in Subsection
3574 (1)(i).

3575 (i) "Retention proceeds" means money earned by a contractor or subcontractor but
3576 retained by the owner or public agency pursuant to the terms of a construction contract to
3577 guarantee payment or performance by the contractor or subcontractor of the construction
3578 contract.

3579 (j) "Subcontractor" means the same as that term is defined in Section 38-1a-102.

3580 (2) (a) This section is applicable to all construction contracts relating to construction
3581 work or improvements entered into on or after July 1, 1999, between:

3582 (i) an owner or public agency and an original contractor;

3583 (ii) an original contractor and a subcontractor; and

3584 (iii) subcontractors under a contract described in Subsection (2)(a)(i) or (ii).

3585 (b) This section does not apply to a construction lender.

3586 (3) (a) Notwithstanding Section 58-55-603, the retention proceeds withheld and
3587 retained from any payment due under the terms of the construction contract may not exceed 5%
3588 of the payment:

3589 (i) by the owner or public agency to the original contractor;

3590 (ii) by the original contractor to any subcontractor; or

3591 (iii) by a subcontractor.

3592 (b) The total retention proceeds withheld may not exceed 5% of the total construction

3593 price.

3594 (c) The percentage of the retention proceeds withheld and retained pursuant to a
3595 construction contract between the original contractor and a subcontractor or between
3596 subcontractors shall be the same retention percentage as between the owner and the original
3597 contractor if:

3598 (i) the retention percentage in the original construction contract between an owner and
3599 the original contractor is less than 5%; or

3600 (ii) after the original construction contract is executed but before completion of the
3601 construction contract the retention percentage is reduced to less than 5%.

3602 (4) (a) If any payment on a contract with a private contractor, firm, or corporation to do
3603 work for an owner or public agency is retained or withheld by the owner or the public agency,
3604 as retention proceeds, it shall be placed in an interest-bearing account and accounted for
3605 separately from other amounts paid under the contract.

3606 (b) The interest accrued under Subsection (4)(a) shall be:

3607 (i) for the benefit of the contractor and subcontractors; and

3608 (ii) paid after the project is completed and accepted by the owner or the public agency.

3609 (c) The contractor shall ensure that any interest accrued on the retainage is distributed
3610 by the contractor to subcontractors on a pro rata basis.

3611 (d) Retention proceeds and accrued interest retained by an owner or public agency:

3612 (i) are considered to be in a constructive trust for the benefit of the contractor and
3613 subcontractors who have earned the proceeds; and

3614 (ii) are not subject to assignment, encumbrance, attachment, garnishment, or execution
3615 levy for the debt of any person holding the retention proceeds and accrued interest.

3616 (5) Any retention proceeds retained or withheld pursuant to this section and any
3617 accrued interest shall be released pursuant to a billing statement from the contractor within 45
3618 days from the later of:

3619 (a) the date the owner or public agency receives the billing statement from the
3620 contractor;

3621 (b) the date that a certificate of occupancy or final acceptance notice is issued to:

3622 (i) the original contractor who obtained the building permit from the building inspector
3623 or public agency;

3624 (ii) the owner or architect; or
3625 (iii) the public agency;
3626 (c) the date that a public agency or building inspector that has the authority to issue a
3627 certificate of occupancy does not issue the certificate but permits partial or complete occupancy
3628 or use of a construction project; or
3629 (d) the date the contractor accepts the final pay quantities.
3630 (6) If only partial occupancy of a construction project is permitted, any retention
3631 proceeds withheld and retained pursuant to this section and any accrued interest shall be
3632 partially released within 45 days under the same conditions as provided in Subsection (5) in
3633 direct proportion to the value of the part of the construction project occupied or used.
3634 (7) The billing statement from the contractor as provided in Subsection (5)(a) shall
3635 include documentation of lien releases or waivers.
3636 (8) (a) Notwithstanding Subsection (3):
3637 (i) if a contractor or subcontractor is in default or breach of the terms and conditions of
3638 the construction contract documents, plans, or specifications governing construction of the
3639 project, the owner or public agency may withhold from payment for as long as reasonably
3640 necessary an amount necessary to cure the breach or default of the contractor or subcontractor;
3641 or
3642 (ii) if a project or a portion of the project has been substantially completed, the owner
3643 or public agency may retain until completion up to twice the fair market value of the work of
3644 the original contractor or of any subcontractor that has not been completed:
3645 (A) in accordance with the construction contract documents, plans, and specifications;
3646 or
3647 (B) in the absence of plans and specifications, to generally accepted craft standards.
3648 (b) An owner or public agency that refuses payment under Subsection (8)(a) shall
3649 describe in writing within 45 days of withholding such amounts what portion of the work was
3650 not completed according to the standards specified in Subsection (8)(a).
3651 (9) (a) Except as provided in Subsection (9)(b), an original contractor or subcontractor
3652 who receives retention proceeds shall pay each of its subcontractors from whom retention has
3653 been withheld each subcontractor's share of the retention received within 10 days from the day
3654 that all or any portion of the retention proceeds is received:

3655 (i) by the original contractor from the owner or public agency; or

3656 (ii) by the subcontractor from:

3657 (A) the original contractor; or

3658 (B) a subcontractor.

3659 (b) Notwithstanding Subsection (9)(a), if a retention payment received by the original
3660 contractor is specifically designated for a particular subcontractor, payment of the retention
3661 shall be made to the designated subcontractor.

3662 (10) (a) In any action for the collection of the retained proceeds withheld and retained
3663 in violation of this section, the successful party is entitled to:

3664 (i) attorney fees; and

3665 (ii) other allowable costs.

3666 (b) (i) Any owner, public agency, original contractor, or subcontractor who knowingly
3667 and wrongfully withholds a retention shall be subject to a charge of 2% per month on the
3668 improperly withheld amount, in addition to any interest otherwise due.

3669 (ii) The charge described in Subsection (10)(b)(i) shall be paid to the contractor or
3670 subcontractor from whom the retention proceeds have been wrongfully withheld.

3671 (11) A party to a construction contract may not require any other party to waive any
3672 provision of this section.

3673 Section 53. Section **14-1-18** is amended to read:

3674 **14-1-18. Definitions -- Application of procurement code to payment and**
3675 **performance bonds.**

3676 (1) (a) For purposes of this chapter, "political subdivision" means any county, city,
3677 town, school district, ~~local~~ special district, special service district, community reinvestment
3678 agency, public corporation, institution of higher education of the state, public agency of any
3679 political subdivision, and, to the extent provided by law, any other entity which expends public
3680 funds for construction.

3681 (b) For purposes of applying Section [63G-6a-1103](#) to a political subdivision, "state"
3682 includes "political subdivision."

3683 (2) Notwithstanding any provision of Title 63G, Chapter 6a, Utah Procurement Code,
3684 to the contrary, Section [63G-6a-1103](#) applies to all contracts for the construction, alteration, or
3685 repair of any public building or public work of the state or a political subdivision of the state.

3686 Section 54. Section **15-7-2** is amended to read:

3687 **15-7-2. Definitions.**

3688 As used in this chapter:

3689 (1) "Authorized officer" means any individual required or permitted by any law or by
3690 the issuing public entity to execute on behalf of the public entity, a certificated registered
3691 public obligation or a writing relating to an uncertificated registered public obligation.

3692 (2) "Certificated registered public obligation" means a registered public obligation
3693 which is represented by an instrument.

3694 (3) "Code" means the Internal Revenue Code of 1954.

3695 (4) "Facsimile seal" means the reproduction by engraving, imprinting, stamping, or
3696 other means of the seal of the issuer, official, or official body.

3697 (5) "Facsimile signature" means the reproduction by engraving, imprinting, stamping,
3698 or other means of a manual signature.

3699 (6) "Financial intermediary" means a bank, broker, clearing corporation or other
3700 person, or the nominee of any of them, which in the ordinary course of its business maintains
3701 registered public obligation accounts for its customers.

3702 (7) "Issuer" means a public entity which issues an obligation.

3703 (8) "Obligation" means an agreement by a public entity to pay principal and any
3704 interest on the obligation, whether in the form of a contract to repay borrowed money, a lease,
3705 an installment purchase agreement, or otherwise, and includes a share, participation, or other
3706 interest in any such agreement.

3707 (9) "Official" or "official body" means the person or group of persons that is
3708 empowered to provide for the original issuance of an obligation of the issuer, by defining the
3709 obligation and its terms, conditions, and other incidents, or to perform duties with respect to a
3710 registered public obligation and any successor of such person or group of persons.

3711 (10) "Official actions" means the actions by statute, order, ordinance, resolution,
3712 contract, or other authorized means by which the issuer provides for issuance of a registered
3713 public obligation.

3714 (11) "Public entity" means any entity, department, or agency which is empowered
3715 under the laws of one or more states, territories, possessions of the United States or the District
3716 of Columbia, including this state, to issue obligations any interest with respect to which may,

3717 under any provision of law, be provided an exemption from the income tax referred to in the
3718 Code. The term "public entity" includes, without limitation, this state, an entity deriving
3719 powers from and acting pursuant to a state constitution or legislative act, a county, city, town, a
3720 municipal corporation, a quasi-municipal corporation, a state university or college, a school
3721 district, a special service district, a ~~local~~ special district, a separate legal or administrative
3722 entity created under the Interlocal Cooperation Act or other joint agreement entity, a
3723 community reinvestment agency, any other political subdivision, a public authority or public
3724 agency, a public trust, a nonprofit corporation, or other organizations.

3725 (12) "Registered public obligation" means an obligation issued by a public entity which
3726 is issued pursuant to a system of registration.

3727 (13) "System of registration" and its variants means a plan that provides:

3728 (a) with respect to a certificated registered public obligation, that:

3729 (i) the certificated registered public obligation specifies a person entitled to the
3730 registered public obligation and the rights it represents; and

3731 (ii) transfer of the certificated registered public obligation and the rights it represents
3732 may be registered upon books maintained for that purpose by or on behalf of the issuer; and

3733 (b) with respect to an uncertificated registered public obligation, that:

3734 (i) books maintained by or on behalf of the issuer for the purpose of registration of the
3735 transfer of a registered public obligation specify a person entitled to the registered public
3736 obligation and the rights evidenced by it; and

3737 (ii) transfer of the uncertificated registered public obligation and the rights evidenced
3738 by it be registered upon such books.

3739 (14) "Uncertificated registered public obligation" means a registered public obligation
3740 which is not represented by an instrument.

3741 Section 55. Section **17-15-32** is amended to read:

3742 **17-15-32. County website listing of local government entities.**

3743 (1) As used in this section:

3744 (a) (i) "Limited purpose entity" means a legal entity that:

3745 (A) performs a single governmental function or limited governmental functions; and

3746 (B) is not a state executive branch agency, a state legislative office, or within the
3747 judicial branch.

- 3748 (ii) "Limited purpose entity" includes:
- 3749 (A) area agencies, area agencies on aging, and area agencies on high risk adults, as
- 3750 those terms are defined in Section [62A-3-101](#);
- 3751 (B) charter schools created under Title 53G, Chapter 5, Charter Schools;
- 3752 (C) community reinvestment agencies, as that term is defined in Section [17C-1-102](#);
- 3753 (D) conservation districts, as that term is defined in Section [17D-3-102](#);
- 3754 (E) governmental nonprofit corporations, as that term is defined in Section [11-13a-102](#);
- 3755 (F) housing authorities, as that term is defined in Section [35A-8-401](#);
- 3756 (G) independent entities and independent state agencies, as those terms are defined in
- 3757 Section [63E-1-102](#);
- 3758 (H) interlocal entities, as that term is defined in Section [11-13-103](#);
- 3759 (I) local building authorities, as that term is defined in Section [17D-2-102](#);
- 3760 [~~(J) local districts, as that term is defined in Section [17B-1-102](#);~~]
- 3761 [~~(K)~~] (J) local health departments, as that term is defined in Section [26A-1-102](#);
- 3762 [~~(L)~~] (K) nonprofit corporations that receive an amount of money requiring an
- 3763 accounting report under Section [51-2a-201.5](#);
- 3764 [~~(M)~~] (L) school districts under Title 53G, Chapter 3, School District Creation and
- 3765 Change; [~~and~~]
- 3766 (M) service districts, as that term is defined in Section [17B-1-102](#); and
- 3767 (N) special service districts, as that term is defined in Section [17D-1-102](#).
- 3768 (b) "Local government entity" means a municipality, as that term is defined in Section
- 3769 [10-1-104](#).
- 3770 (2) Beginning on July 1, 2019, each county shall list on the county's website any of the
- 3771 following information that the lieutenant governor publishes in a registry of local government
- 3772 entities and limited purpose entities regarding each limited purpose entity and local
- 3773 government entity that operates, either in whole or in part, within the county or has geographic
- 3774 boundaries that overlap or are contained within the boundaries of the county:
- 3775 (a) the entity's name;
- 3776 (b) the entity's type of local government entity or limited purpose entity;
- 3777 (c) the entity's governmental function;
- 3778 (d) the entity's physical address and phone number, including the name and contact

3779 information of an individual whom the entity designates as the primary contact for the entity;

3780 (e) names of the members of the entity's governing board or commission, managing
3781 officers, or other similar managers;

3782 (f) the entity's sources of revenue; and

3783 (g) if the entity has created an assessment area, as that term is defined in Section
3784 11-42-102, information regarding the creation, purpose, and boundaries of the assessment area.

3785 Section 56. Section 17-27a-103 is amended to read:

3786 **17-27a-103. Definitions.**

3787 As used in this chapter:

3788 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
3789 detached from a primary single-family dwelling and contained on one lot.

3790 (2) "Adversely affected party" means a person other than a land use applicant who:

3791 (a) owns real property adjoining the property that is the subject of a land use
3792 application or land use decision; or

3793 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
3794 general community as a result of the land use decision.

3795 (3) "Affected entity" means a county, municipality, ~~local~~ special district, special
3796 service district under Title 17D, Chapter 1, Special Service District Act, school district,
3797 interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,
3798 specified property owner, property owner's association, public utility, or the Utah Department
3799 of Transportation, if:

3800 (a) the entity's services or facilities are likely to require expansion or significant
3801 modification because of an intended use of land;

3802 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
3803 or

3804 (c) the entity has filed with the county a request for notice during the same calendar
3805 year and before the county provides notice to an affected entity in compliance with a
3806 requirement imposed under this chapter.

3807 (4) "Affected owner" means the owner of real property that is:

3808 (a) a single project;

3809 (b) the subject of a land use approval that sponsors of a referendum timely challenged

3810 in accordance with Subsection [20A-7-601\(5\)](#); and

3811 (c) determined to be legally referable under Section [20A-7-602.8](#).

3812 (5) "Appeal authority" means the person, board, commission, agency, or other body
3813 designated by ordinance to decide an appeal of a decision of a land use application or a
3814 variance.

3815 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
3816 residential property if the sign is designed or intended to direct attention to a business, product,
3817 or service that is not sold, offered, or existing on the property where the sign is located.

3818 (7) (a) "Charter school" means:

3819 (i) an operating charter school;

3820 (ii) a charter school applicant that a charter school authorizer approves in accordance
3821 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

3822 (iii) an entity that is working on behalf of a charter school or approved charter
3823 applicant to develop or construct a charter school building.

3824 (b) "Charter school" does not include a therapeutic school.

3825 (8) "Chief executive officer" means the person or body that exercises the executive
3826 powers of the county.

3827 (9) "Conditional use" means a land use that, because of the unique characteristics or
3828 potential impact of the land use on the county, surrounding neighbors, or adjacent land uses,
3829 may not be compatible in some areas or may be compatible only if certain conditions are
3830 required that mitigate or eliminate the detrimental impacts.

3831 (10) "Constitutional taking" means a governmental action that results in a taking of
3832 private property so that compensation to the owner of the property is required by the:

3833 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

3834 (b) Utah Constitution, Article I, Section 22.

3835 (11) "County utility easement" means an easement that:

3836 (a) a plat recorded in a county recorder's office described as a county utility easement
3837 or otherwise as a utility easement;

3838 (b) is not a protected utility easement or a public utility easement as defined in Section
3839 [54-3-27](#);

3840 (c) the county or the county's affiliated governmental entity owns or creates; and

3841 (d) (i) either:
3842 (A) no person uses or occupies; or
3843 (B) the county or the county's affiliated governmental entity uses and occupies to
3844 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or
3845 communications or data lines; or
3846 (ii) a person uses or occupies with or without an authorized franchise or other
3847 agreement with the county.
3848 (12) "Culinary water authority" means the department, agency, or public entity with
3849 responsibility to review and approve the feasibility of the culinary water system and sources for
3850 the subject property.
3851 (13) "Development activity" means:
3852 (a) any construction or expansion of a building, structure, or use that creates additional
3853 demand and need for public facilities;
3854 (b) any change in use of a building or structure that creates additional demand and need
3855 for public facilities; or
3856 (c) any change in the use of land that creates additional demand and need for public
3857 facilities.
3858 (14) (a) "Development agreement" means a written agreement or amendment to a
3859 written agreement between a county and one or more parties that regulates or controls the use
3860 or development of a specific area of land.
3861 (b) "Development agreement" does not include an improvement completion assurance.
3862 (15) (a) "Disability" means a physical or mental impairment that substantially limits
3863 one or more of a person's major life activities, including a person having a record of such an
3864 impairment or being regarded as having such an impairment.
3865 (b) "Disability" does not include current illegal use of, or addiction to, any federally
3866 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
3867 Sec. 802.
3868 (16) "Educational facility":
3869 (a) means:
3870 (i) a school district's building at which pupils assemble to receive instruction in a
3871 program for any combination of grades from preschool through grade 12, including

3872 kindergarten and a program for children with disabilities;

3873 (ii) a structure or facility:

3874 (A) located on the same property as a building described in Subsection (16)(a)(i); and

3875 (B) used in support of the use of that building; and

3876 (iii) a building to provide office and related space to a school district's administrative
3877 personnel; and

3878 (b) does not include:

3879 (i) land or a structure, including land or a structure for inventory storage, equipment
3880 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

3881 (A) not located on the same property as a building described in Subsection (16)(a)(i);

3882 and

3883 (B) used in support of the purposes of a building described in Subsection (16)(a)(i); or

3884 (ii) a therapeutic school.

3885 (17) "Fire authority" means the department, agency, or public entity with responsibility
3886 to review and approve the feasibility of fire protection and suppression services for the subject
3887 property.

3888 (18) "Flood plain" means land that:

3889 (a) is within the 100-year flood plain designated by the Federal Emergency

3890 Management Agency; or

3891 (b) has not been studied or designated by the Federal Emergency Management Agency
3892 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
3893 the land has characteristics that are similar to those of a 100-year flood plain designated by the
3894 Federal Emergency Management Agency.

3895 (19) "Gas corporation" has the same meaning as defined in Section [54-2-1](#).

3896 (20) "General plan" means a document that a county adopts that sets forth general
3897 guidelines for proposed future development of:

3898 (a) the unincorporated land within the county; or

3899 (b) for a mountainous planning district, the land within the mountainous planning
3900 district.

3901 (21) "Geologic hazard" means:

3902 (a) a surface fault rupture;

- 3903 (b) shallow groundwater;
- 3904 (c) liquefaction;
- 3905 (d) a landslide;
- 3906 (e) a debris flow;
- 3907 (f) unstable soil;
- 3908 (g) a rock fall; or
- 3909 (h) any other geologic condition that presents a risk:
- 3910 (i) to life;
- 3911 (ii) of substantial loss of real property; or
- 3912 (iii) of substantial damage to real property.
- 3913 (22) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 3914 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
- 3915 system.
- 3916 (23) "Identical plans" means building plans submitted to a county that:
- 3917 (a) are clearly marked as "identical plans";
- 3918 (b) are substantially identical building plans that were previously submitted to and
- 3919 reviewed and approved by the county; and
- 3920 (c) describe a building that:
- 3921 (i) is located on land zoned the same as the land on which the building described in the
- 3922 previously approved plans is located;
- 3923 (ii) is subject to the same geological and meteorological conditions and the same law
- 3924 as the building described in the previously approved plans;
- 3925 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 3926 and approved by the county; and
- 3927 (iv) does not require any additional engineering or analysis.
- 3928 (24) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 3929 Impact Fees Act.
- 3930 (25) "Improvement completion assurance" means a surety bond, letter of credit,
- 3931 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
- 3932 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
- 3933 required as a condition precedent to:

- 3934 (a) recording a subdivision plat; or
- 3935 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 3936 (26) "Improvement warranty" means an applicant's unconditional warranty that the
- 3937 applicant's installed and accepted landscaping or infrastructure improvement:
- 3938 (a) complies with the county's written standards for design, materials, and
- 3939 workmanship; and
- 3940 (b) will not fail in any material respect, as a result of poor workmanship or materials,
- 3941 within the improvement warranty period.
- 3942 (27) "Improvement warranty period" means a period:
- 3943 (a) no later than one year after a county's acceptance of required landscaping; or
- 3944 (b) no later than one year after a county's acceptance of required infrastructure, unless
- 3945 the county:
- 3946 (i) determines for good cause that a one-year period would be inadequate to protect the
- 3947 public health, safety, and welfare; and
- 3948 (ii) has substantial evidence, on record:
- 3949 (A) of prior poor performance by the applicant; or
- 3950 (B) that the area upon which the infrastructure will be constructed contains suspect soil
- 3951 and the county has not otherwise required the applicant to mitigate the suspect soil.
- 3952 (28) "Infrastructure improvement" means permanent infrastructure that is essential for
- 3953 the public health and safety or that:
- 3954 (a) is required for human consumption; and
- 3955 (b) an applicant must install:
- 3956 (i) in accordance with published installation and inspection specifications for public
- 3957 improvements; and
- 3958 (ii) as a condition of:
- 3959 (A) recording a subdivision plat;
- 3960 (B) obtaining a building permit; or
- 3961 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
- 3962 project.
- 3963 (29) "Internal lot restriction" means a platted note, platted demarcation, or platted
- 3964 designation that:

- 3965 (a) runs with the land; and
- 3966 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
- 3967 the plat; or
- 3968 (ii) designates a development condition that is enclosed within the perimeter of a lot
- 3969 described on the plat.
- 3970 (30) "Interstate pipeline company" means a person or entity engaged in natural gas
- 3971 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under
- 3972 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 3973 (31) "Intrastate pipeline company" means a person or entity engaged in natural gas
- 3974 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
- 3975 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 3976 (32) "Land use applicant" means a property owner, or the property owner's designee,
- 3977 who submits a land use application regarding the property owner's land.
- 3978 (33) "Land use application":
- 3979 (a) means an application that is:
- 3980 (i) required by a county; and
- 3981 (ii) submitted by a land use applicant to obtain a land use decision; and
- 3982 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 3983 (34) "Land use authority" means:
- 3984 (a) a person, board, commission, agency, or body, including the local legislative body,
- 3985 designated by the local legislative body to act upon a land use application; or
- 3986 (b) if the local legislative body has not designated a person, board, commission,
- 3987 agency, or body, the local legislative body.
- 3988 (35) "Land use decision" means an administrative decision of a land use authority or
- 3989 appeal authority regarding:
- 3990 (a) a land use permit;
- 3991 (b) a land use application; or
- 3992 (c) the enforcement of a land use regulation, land use permit, or development
- 3993 agreement.
- 3994 (36) "Land use permit" means a permit issued by a land use authority.
- 3995 (37) "Land use regulation":

- 3996 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
3997 specification, fee, or rule that governs the use or development of land;
- 3998 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
3999 and
- 4000 (c) does not include:
- 4001 (i) a land use decision of the legislative body acting as the land use authority, even if
4002 the decision is expressed in a resolution or ordinance; or
- 4003 (ii) a temporary revision to an engineering specification that does not materially:
- 4004 (A) increase a land use applicant's cost of development compared to the existing
4005 specification; or
- 4006 (B) impact a land use applicant's use of land.
- 4007 (38) "Legislative body" means the county legislative body, or for a county that has
4008 adopted an alternative form of government, the body exercising legislative powers.
- 4009 [~~(39) "Local district" means any entity under Title 17B, Limited Purpose Local
4010 Government Entities - Local Districts, and any other governmental or quasi-governmental
4011 entity that is not a county, municipality, school district, or the state.~~]
- 4012 [~~(40)~~ (39) "Lot" means a tract of land, regardless of any label, that is created by and
4013 shown on a subdivision plat that has been recorded in the office of the county recorder.
- 4014 [~~(41)~~ (40) (a) "Lot line adjustment" means a relocation of a lot line boundary between
4015 adjoining lots or between a lot and adjoining parcels in accordance with Section [17-27a-608](#):
- 4016 (i) whether or not the lots are located in the same subdivision; and
- 4017 (ii) with the consent of the owners of record.
- 4018 (b) "Lot line adjustment" does not mean a new boundary line that:
- 4019 (i) creates an additional lot; or
- 4020 (ii) constitutes a subdivision.
- 4021 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
4022 Department of Transportation.
- 4023 [~~(42)~~ (41) "Major transit investment corridor" means public transit service that uses or
4024 occupies:
- 4025 (a) public transit rail right-of-way;
- 4026 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

4027 or

4028 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
4029 municipality or county and:

4030 (i) a public transit district as defined in Section 17B-2a-802; or

4031 (ii) an eligible political subdivision as defined in Section 59-12-2219.

4032 ~~[(43)]~~ (42) "Moderate income housing" means housing occupied or reserved for
4033 occupancy by households with a gross household income equal to or less than 80% of the
4034 median gross income for households of the same size in the county in which the housing is
4035 located.

4036 ~~[(44)]~~ (43) "Mountainous planning district" means an area designated by a county
4037 legislative body in accordance with Section 17-27a-901.

4038 ~~[(45)]~~ (44) "Nominal fee" means a fee that reasonably reimburses a county only for
4039 time spent and expenses incurred in:

4040 (a) verifying that building plans are identical plans; and

4041 (b) reviewing and approving those minor aspects of identical plans that differ from the
4042 previously reviewed and approved building plans.

4043 ~~[(46)]~~ (45) "Noncomplying structure" means a structure that:

4044 (a) legally existed before the structure's current land use designation; and

4045 (b) because of one or more subsequent land use ordinance changes, does not conform
4046 to the setback, height restrictions, or other regulations, excluding those regulations that govern
4047 the use of land.

4048 ~~[(47)]~~ (46) "Nonconforming use" means a use of land that:

4049 (a) legally existed before the current land use designation;

4050 (b) has been maintained continuously since the time the land use ordinance regulation
4051 governing the land changed; and

4052 (c) because of one or more subsequent land use ordinance changes, does not conform
4053 to the regulations that now govern the use of the land.

4054 ~~[(48)]~~ (47) "Official map" means a map drawn by county authorities and recorded in
4055 the county recorder's office that:

4056 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
4057 highways and other transportation facilities;

4058 (b) provides a basis for restricting development in designated rights-of-way or between
4059 designated setbacks to allow the government authorities time to purchase or otherwise reserve
4060 the land; and

4061 (c) has been adopted as an element of the county's general plan.

4062 [~~(49)~~] (48) "Parcel" means any real property that is not a lot.

4063 [~~(50)~~] (49) (a) "Parcel boundary adjustment" means a recorded agreement between
4064 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary
4065 line agreement in accordance with Section 17-27a-523, if no additional parcel is created and:

4066 (i) none of the property identified in the agreement is a lot; or

4067 (ii) the adjustment is to the boundaries of a single person's parcels.

4068 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
4069 line that:

4070 (i) creates an additional parcel; or

4071 (ii) constitutes a subdivision.

4072 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
4073 the Department of Transportation.

4074 [~~(51)~~] (50) "Person" means an individual, corporation, partnership, organization,
4075 association, trust, governmental agency, or any other legal entity.

4076 [~~(52)~~] (51) "Plan for moderate income housing" means a written document adopted by
4077 a county legislative body that includes:

4078 (a) an estimate of the existing supply of moderate income housing located within the
4079 county;

4080 (b) an estimate of the need for moderate income housing in the county for the next five
4081 years;

4082 (c) a survey of total residential land use;

4083 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
4084 income housing; and

4085 (e) a description of the county's program to encourage an adequate supply of moderate
4086 income housing.

4087 [~~(53)~~] (52) "Planning advisory area" means a contiguous, geographically defined
4088 portion of the unincorporated area of a county established under this part with planning and

4089 zoning functions as exercised through the planning advisory area planning commission, as
4090 provided in this chapter, but with no legal or political identity separate from the county and no
4091 taxing authority.

4092 ~~[(54)]~~ (53) "Plat" means an instrument subdividing property into lots as depicted on a
4093 map or other graphical representation of lands that a licensed professional land surveyor makes
4094 and prepares in accordance with Section 17-27a-603 or 57-8-13.

4095 ~~[(55)]~~ (54) "Potential geologic hazard area" means an area that:

4096 (a) is designated by a Utah Geological Survey map, county geologist map, or other
4097 relevant map or report as needing further study to determine the area's potential for geologic
4098 hazard; or

4099 (b) has not been studied by the Utah Geological Survey or a county geologist but
4100 presents the potential of geologic hazard because the area has characteristics similar to those of
4101 a designated geologic hazard area.

4102 ~~[(56)]~~ (55) "Public agency" means:

4103 (a) the federal government;

4104 (b) the state;

4105 (c) a county, municipality, school district, ~~[local]~~ special district, special service
4106 district, or other political subdivision of the state; or

4107 (d) a charter school.

4108 ~~[(57)]~~ (56) "Public hearing" means a hearing at which members of the public are
4109 provided a reasonable opportunity to comment on the subject of the hearing.

4110 ~~[(58)]~~ (57) "Public meeting" means a meeting that is required to be open to the public
4111 under Title 52, Chapter 4, Open and Public Meetings Act.

4112 ~~[(59)]~~ (58) "Public street" means a public right-of-way, including a public highway,
4113 public avenue, public boulevard, public parkway, public road, public lane, public alley, public
4114 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
4115 easement, or other public way.

4116 ~~[(60)]~~ (59) "Receiving zone" means an unincorporated area of a county that the county
4117 designates, by ordinance, as an area in which an owner of land may receive a transferable
4118 development right.

4119 ~~[(61)]~~ (60) "Record of survey map" means a map of a survey of land prepared in

4120 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

4121 ~~[(62)]~~ (61) "Residential facility for persons with a disability" means a residence:

4122 (a) in which more than one person with a disability resides; and

4123 (b) (i) which is licensed or certified by the Department of Human Services under Title
4124 62A, Chapter 2, Licensure of Programs and Facilities; or

4125 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
4126 21, Health Care Facility Licensing and Inspection Act.

4127 ~~[(63)]~~ (62) "Rules of order and procedure" means a set of rules that govern and
4128 prescribe in a public meeting:

4129 (a) parliamentary order and procedure;

4130 (b) ethical behavior; and

4131 (c) civil discourse.

4132 ~~[(64)]~~ (63) "Sanitary sewer authority" means the department, agency, or public entity
4133 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
4134 wastewater systems.

4135 ~~[(65)]~~ (64) "Sending zone" means an unincorporated area of a county that the county
4136 designates, by ordinance, as an area from which an owner of land may transfer a transferable
4137 development right.

4138 ~~[(66)]~~ (65) "Site plan" means a document or map that may be required by a county
4139 during a preliminary review preceding the issuance of a building permit to demonstrate that an
4140 owner's or developer's proposed development activity meets a land use requirement.

4141 (66) "Special district" means any entity under Title 17B, Limited Purpose Local
4142 Government Entities - Special Districts, and any other governmental or quasi-governmental
4143 entity that is not a county, municipality, school district, or the state.

4144 (67) "Specified public agency" means:

4145 (a) the state;

4146 (b) a school district; or

4147 (c) a charter school.

4148 (68) "Specified public utility" means an electrical corporation, gas corporation, or
4149 telephone corporation, as those terms are defined in Section [54-2-1](#).

4150 (69) "State" includes any department, division, or agency of the state.

4151 (70) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
4152 divided into two or more lots or other division of land for the purpose, whether immediate or
4153 future, for offer, sale, lease, or development either on the installment plan or upon any and all
4154 other plans, terms, and conditions.

4155 (b) "Subdivision" includes:

4156 (i) the division or development of land, whether by deed, metes and bounds
4157 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
4158 the division includes all or a portion of a parcel or lot; and

4159 (ii) except as provided in Subsection (70)(c), divisions of land for residential and
4160 nonresidential uses, including land used or to be used for commercial, agricultural, and
4161 industrial purposes.

4162 (c) "Subdivision" does not include:

4163 (i) a bona fide division or partition of agricultural land for agricultural purposes;

4164 (ii) a boundary line agreement recorded with the county recorder's office between
4165 owners of adjoining parcels adjusting the mutual boundary in accordance with Section
4166 [17-27a-523](#) if no new lot is created;

4167 (iii) a recorded document, executed by the owner of record:

4168 (A) revising the legal descriptions of multiple parcels into one legal description
4169 encompassing all such parcels; or

4170 (B) joining a lot to a parcel;

4171 (iv) a bona fide division or partition of land in a county other than a first class county
4172 for the purpose of siting, on one or more of the resulting separate parcels:

4173 (A) an electrical transmission line or a substation;

4174 (B) a natural gas pipeline or a regulation station; or

4175 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
4176 utility service regeneration, transformation, retransmission, or amplification facility;

4177 (v) a boundary line agreement between owners of adjoining subdivided properties
4178 adjusting the mutual lot line boundary in accordance with Sections [17-27a-523](#) and [17-27a-608](#)
4179 if:

4180 (A) no new dwelling lot or housing unit will result from the adjustment; and

4181 (B) the adjustment will not violate any applicable land use ordinance;

4182 (vi) a bona fide division of land by deed or other instrument if the deed or other
4183 instrument states in writing that the division:

4184 (A) is in anticipation of future land use approvals on the parcel or parcels;

4185 (B) does not confer any land use approvals; and

4186 (C) has not been approved by the land use authority;

4187 (vii) a parcel boundary adjustment;

4188 (viii) a lot line adjustment;

4189 (ix) a road, street, or highway dedication plat;

4190 (x) a deed or easement for a road, street, or highway purpose; or

4191 (xi) any other division of land authorized by law.

4192 (71) "Subdivision amendment" means an amendment to a recorded subdivision in
4193 accordance with Section [17-27a-608](#) that:

4194 (a) vacates all or a portion of the subdivision;

4195 (b) alters the outside boundary of the subdivision;

4196 (c) changes the number of lots within the subdivision;

4197 (d) alters a public right-of-way, a public easement, or public infrastructure within the
4198 subdivision; or

4199 (e) alters a common area or other common amenity within the subdivision.

4200 (72) "Substantial evidence" means evidence that:

4201 (a) is beyond a scintilla; and

4202 (b) a reasonable mind would accept as adequate to support a conclusion.

4203 (73) "Suspect soil" means soil that has:

4204 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
4205 3% swell potential;

4206 (b) bedrock units with high shrink or swell susceptibility; or

4207 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
4208 commonly associated with dissolution and collapse features.

4209 (74) "Therapeutic school" means a residential group living facility:

4210 (a) for four or more individuals who are not related to:

4211 (i) the owner of the facility; or

4212 (ii) the primary service provider of the facility;

4213 (b) that serves students who have a history of failing to function:

4214 (i) at home;

4215 (ii) in a public school; or

4216 (iii) in a nonresidential private school; and

4217 (c) that offers:

4218 (i) room and board; and

4219 (ii) an academic education integrated with:

4220 (A) specialized structure and supervision; or

4221 (B) services or treatment related to a disability, an emotional development, a
4222 behavioral development, a familial development, or a social development.

4223 (75) "Transferable development right" means a right to develop and use land that
4224 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
4225 land use rights from a designated sending zone to a designated receiving zone.

4226 (76) "Unincorporated" means the area outside of the incorporated area of a
4227 municipality.

4228 (77) "Water interest" means any right to the beneficial use of water, including:

4229 (a) each of the rights listed in Section 73-1-11; and

4230 (b) an ownership interest in the right to the beneficial use of water represented by:

4231 (i) a contract; or

4232 (ii) a share in a water company, as defined in Section 73-3-3.5.

4233 (78) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
4234 land use zones, overlays, or districts.

4235 Section 57. Section 17-30-3 is amended to read:

4236 **17-30-3. Establishment of merit system commission -- Appointment,**
4237 **qualifications, and compensation of members.**

4238 (1) (a) Each county with a population of 20,000 or more shall establish a merit system
4239 commission consisting of three members appointed as provided in Subsection (1)(b).

4240 (b) (i) As used in this Subsection (1)(b):

4241 (A) "Police interlocal entity" means an interlocal entity, as defined in Section
4242 11-13-103, that is created:

4243 (I) under Title 11, Chapter 13, Interlocal Cooperation Act, by an agreement to which a

4244 county of the first class is a party; and

4245 (II) to provide law enforcement service to an area that includes the unincorporated part
4246 of the county.

4247 (B) "Police [~~local~~] special district" means a [~~local~~] special district, as defined in
4248 Section 17B-1-102:

4249 (I) whose creation was initiated by the adoption of a resolution under Section
4250 17B-1-203 by the legislative body of a county of the first class, alone or with one or more other
4251 legislative bodies; and

4252 (II) that is created to provide law enforcement service to an area that includes the
4253 unincorporated part of the county.

4254 (ii) For a county in which a police interlocal entity is created, whether or not a police
4255 [~~local~~] special district is also created in the county:

4256 (A) two members shall be appointed by the legislative body of the county; and

4257 (B) one member shall be appointed by the governing body of the interlocal entity.

4258 (iii) For a county in which a police [~~local~~] special district is created but in which a
4259 police interlocal entity has not been created:

4260 (A) two members shall be appointed by the legislative body of the county; and

4261 (B) one member shall be appointed by the board of trustees of the police [~~local~~] special
4262 district.

4263 (iv) For each other county, all three members shall be appointed by the county
4264 legislative body.

4265 (c) Not more than two members of the commission shall be affiliated with or members
4266 of the same political party.

4267 (d) Of the original appointees, one member shall be appointed for a term ending
4268 February 1 of the first odd-numbered year after the date of appointment, and one each for terms
4269 ending two and four years thereafter.

4270 (e) Upon the expiration of any of the terms, a successor shall be appointed for a full
4271 term of six years.

4272 (f) Appointment to fill a vacancy resulting other than from expiration of term shall be
4273 for the unexpired portion of the term only.

4274 (2) Members of a commission shall be citizens of the state, shall have been residents of

4275 the area embraced by the governmental unit from which appointed not less than five years next
4276 preceding the date of appointment, and shall hold no other office or employment under the
4277 governmental unit for which appointed.

4278 (3) The county legislative body may compensate a member for service on the
4279 commission and reimburse the member for necessary expenses incurred in the performance of
4280 the member's duties.

4281 Section 58. Section 17-34-3 is amended to read:

4282 **17-34-3. Taxes or service charges.**

4283 (1) (a) If a county furnishes the municipal-type services and functions described in
4284 Section 17-34-1 to areas of the county outside the limits of incorporated cities or towns, the
4285 entire cost of the services or functions so furnished shall be defrayed from funds that the county
4286 has derived from:

4287 (i) taxes that the county may lawfully levy or impose outside the limits of incorporated
4288 towns or cities;

4289 (ii) service charges or fees the county may impose upon the persons benefited in any
4290 way by the services or functions; or

4291 (iii) a combination of these sources.

4292 (b) As the taxes or service charges or fees are levied and collected, they shall be placed
4293 in a special revenue fund of the county and shall be disbursed only for the rendering of the
4294 services or functions established in Section 17-34-1 within the unincorporated areas of the
4295 county or as provided in Subsection 10-2a-219(2).

4296 (2) (a) For the purpose of levying taxes, service charges, or fees provided in this
4297 section, the county legislative body may establish a district or districts in the unincorporated
4298 areas of the county.

4299 (b) A district established by a county as provided in Subsection (2)(a) may be
4300 reorganized as a ~~local~~ special district in accordance with the procedures set forth in Sections
4301 17D-1-601, 17D-1-603, and 17D-1-604.

4302 (3) Nothing contained in this chapter may be construed to authorize counties to impose
4303 or levy taxes not otherwise allowed by law.

4304 (4) Notwithstanding any other provision of this chapter, a county providing fire,
4305 paramedic, and police protection services in a designated recreational area, as provided in

4306 Subsection 17-34-1(5), may fund those services from the county general fund with revenues
4307 derived from both inside and outside the limits of cities and towns, and the funding of those
4308 services is not limited to unincorporated area revenues.

4309 Section 59. Section 17-50-103 is amended to read:

4310 **17-50-103. Use of "county" prohibited -- Legal action to compel compliance.**

4311 (1) For purposes of this section:

4312 (a) (i) "Existing local entity" means a ~~[local]~~ special district, special service district, or
4313 other political subdivision of the state created before May 1, 2000.

4314 (ii) "Existing local entity" does not include a county, city, town, or school district.

4315 ~~[(b) (i) "Local district" means a local district under Title 17B, Limited Purpose Local
4316 Government Entities - Local Districts, that:]~~

4317 ~~[(A) by statute is a political and corporate entity separate from the county that created
4318 it; and]~~

4319 ~~[(B) by statute is not subject to the direction and control of the county that created it.]~~

4320 ~~[(ii) (iii) The county legislative body's statutory authority to appoint members to the
4321 governing body of a ~~[local]~~ special district does not alone make the ~~[local]~~ special district
4322 subject to the direction and control of that county.~~

4323 ~~[(c) (b) (i) "New local entity" means a city, town, school district, ~~[local]~~ special
4324 district, special service district, or other political subdivision of the state created on or after
4325 May 1, 2000.~~

4326 (ii) "New local entity" does not include a county.

4327 (c) (i) "Special district" means a special district under Title 17B, Limited Purpose Local
4328 Government Entities - Special Districts, that:

4329 (A) by statute is a political and corporate entity separate from the county that created it;
4330 and

4331 (B) by statute is not subject to the direction and control of the county that created it.

4332 (ii) The county legislative body's statutory authority to appoint members to the
4333 governing body of a special district does not alone make the special district subject to the
4334 direction and control of that county.

4335 (2) (a) A new local entity may not use the word "county" in its name.

4336 (b) After January 1, 2005, an existing local entity may not use the word "county" in its

4337 name unless the county whose name is used by the existing local entity gives its written
4338 consent.

4339 (3) A county with a name similar to the name of a new local entity or existing local
4340 entity in violation of this section may bring legal action in district court to compel compliance
4341 with this section.

4342 Section 60. Section 17B-1-101 is amended to read:

4343 **TITLE 17B. LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES - SPECIAL**
4344 **DISTRICTS**

4345 **CHAPTER 1. PROVISIONS APPLICABLE TO ALL SPECIAL DISTRICTS**

4346 **17B-1-101. Title.**

4347 (1) This title is known as "Limited Purpose Local Government Entities - [~~Local~~]
4348 Special Districts."

4349 (2) This chapter is known as "Provisions Applicable to All [~~Local~~] Special Districts."

4350 Section 61. Section 17B-1-102 is amended to read:

4351 **17B-1-102. Definitions.**

4352 As used in this title:

4353 (1) "Appointing authority" means the person or body authorized to make an
4354 appointment to the board of trustees.

4355 (2) "Basic [~~local~~] special district":

4356 (a) means a [~~local~~] special district that is not a specialized [~~local~~] special district; and

4357 (b) includes an entity that was, under the law in effect before April 30, 2007, created
4358 and operated as a [~~local~~] special district, as defined under the law in effect before April 30,
4359 2007.

4360 (3) "Bond" means:

4361 (a) a written obligation to repay borrowed money, whether denominated a bond, note,
4362 warrant, certificate of indebtedness, or otherwise; and

4363 (b) a lease agreement, installment purchase agreement, or other agreement that:

4364 (i) includes an obligation by the district to pay money; and

4365 (ii) the district's board of trustees, in its discretion, treats as a bond for purposes of Title
4366 11, Chapter 14, Local Government Bonding Act, or Title 11, Chapter 27, Utah Refunding Bond
4367 Act.

4368 (4) "Cemetery maintenance district" means a [local] special district that operates under
4369 and is subject to the provisions of this chapter and Chapter 2a, Part 1, Cemetery Maintenance
4370 District Act, including an entity that was created and operated as a cemetery maintenance
4371 district under the law in effect before April 30, 2007.

4372 (5) "Drainage district" means a [local] special district that operates under and is subject
4373 to the provisions of this chapter and Chapter 2a, Part 2, Drainage District Act, including an
4374 entity that was created and operated as a drainage district under the law in effect before April
4375 30, 2007.

4376 (6) "Facility" or "facilities" includes any structure, building, system, land, water right,
4377 water, or other real or personal property required to provide a service that a [local] special
4378 district is authorized to provide, including any related or appurtenant easement or right-of-way,
4379 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.

4380 (7) "Fire protection district" means a [local] special district that operates under and is
4381 subject to the provisions of this chapter and Chapter 2a, Part 3, Fire Protection District Act,
4382 including an entity that was created and operated as a fire protection district under the law in
4383 effect before April 30, 2007.

4384 (8) "General obligation bond":

4385 (a) means a bond that is directly payable from and secured by ad valorem property
4386 taxes that are:

4387 (i) levied:

4388 (A) by the district that issues the bond; and

4389 (B) on taxable property within the district; and

4390 (ii) in excess of the ad valorem property taxes of the district for the current fiscal year;

4391 and

4392 (b) does not include:

4393 (i) a short-term bond;

4394 (ii) a tax and revenue anticipation bond; or

4395 (iii) a special assessment bond.

4396 (9) "Improvement assurance" means a surety bond, letter of credit, cash, or other
4397 security:

4398 (a) to guarantee the proper completion of an improvement;

4399 (b) that is required before a ~~[local]~~ special district may provide a service requested by a
 4400 service applicant; and

4401 (c) that is offered to a ~~[local]~~ special district to induce the ~~[local]~~ special district before
 4402 construction of an improvement begins to:

4403 (i) provide the requested service; or

4404 (ii) commit to provide the requested service.

4405 (10) "Improvement assurance warranty" means a promise that the materials and
 4406 workmanship of an improvement:

4407 (a) comply with standards adopted by a ~~[local]~~ special district; and

4408 (b) will not fail in any material respect within an agreed warranty period.

4409 (11) "Improvement district" means a ~~[local]~~ special district that operates under and is
 4410 subject to the provisions of this chapter and Chapter 2a, Part 4, Improvement District Act,
 4411 including an entity that was created and operated as a county improvement district under the
 4412 law in effect before April 30, 2007.

4413 (12) "Irrigation district" means a ~~[local]~~ special district that operates under and is
 4414 subject to the provisions of this chapter and Chapter 2a, Part 5, Irrigation District Act,
 4415 including an entity that was created and operated as an irrigation district under the law in effect
 4416 before April 30, 2007.

4417 ~~[(13) "Local district" means a limited purpose local government entity, as described in~~
 4418 ~~Section 17B-1-103, that operates under, is subject to, and has the powers set forth in:]~~

4419 ~~[(a) this chapter; or]~~

4420 ~~[(b) (i) this chapter; and]~~

4421 ~~[(ii) (A) Chapter 2a, Part 1, Cemetery Maintenance District Act;]~~

4422 ~~[(B) Chapter 2a, Part 2, Drainage District Act;]~~

4423 ~~[(C) Chapter 2a, Part 3, Fire Protection District Act;]~~

4424 ~~[(D) Chapter 2a, Part 4, Improvement District Act;]~~

4425 ~~[(E) Chapter 2a, Part 5, Irrigation District Act;]~~

4426 ~~[(F) Chapter 2a, Part 6, Metropolitan Water District Act;]~~

4427 ~~[(G) Chapter 2a, Part 7, Mosquito Abatement District Act;]~~

4428 ~~[(H) Chapter 2a, Part 8, Public Transit District Act;]~~

4429 ~~[(I) Chapter 2a, Part 9, Service Area Act;]~~

4430 [~~(J)~~] Chapter 2a, Part 10, Water Conservancy District Act; or]

4431 [~~(K)~~] Chapter 2a, Part 11, Municipal Services District Act.]

4432 [~~(14)~~] (13) "Metropolitan water district" means a [~~local~~] special district that operates
4433 under and is subject to the provisions of this chapter and Chapter 2a, Part 6, Metropolitan
4434 Water District Act, including an entity that was created and operated as a metropolitan water
4435 district under the law in effect before April 30, 2007.

4436 [~~(15)~~] (14) "Mosquito abatement district" means a [~~local~~] special district that operates
4437 under and is subject to the provisions of this chapter and Chapter 2a, Part 7, Mosquito
4438 Abatement District Act, including an entity that was created and operated as a mosquito
4439 abatement district under the law in effect before April 30, 2007.

4440 [~~(16)~~] (15) "Municipal" means of or relating to a municipality.

4441 [~~(17)~~] (16) "Municipality" means a city, town, or metro township.

4442 [~~(18)~~] (17) "Municipal services district" means a [~~local~~] special district that operates
4443 under and is subject to the provisions of this chapter and Chapter 2a, Part 11, Municipal
4444 Services District Act.

4445 [~~(19)~~] (18) "Person" means an individual, corporation, partnership, organization,
4446 association, trust, governmental agency, or other legal entity.

4447 [~~(20)~~] (19) "Political subdivision" means a county, city, town, metro township, [~~local~~]
4448 special district under this title, special service district under Title 17D, Chapter 1, Special
4449 Service District Act, an entity created by interlocal cooperation agreement under Title 11,
4450 Chapter 13, Interlocal Cooperation Act, or any other governmental entity designated in statute
4451 as a political subdivision of the state.

4452 [~~(21)~~] (20) "Private," with respect to real property, means not owned by the United
4453 States or any agency of the federal government, the state, a county, or a political subdivision.

4454 [~~(22)~~] (21) "Public entity" means:

4455 (a) the United States or an agency of the United States;

4456 (b) the state or an agency of the state;

4457 (c) a political subdivision of the state or an agency of a political subdivision of the
4458 state;

4459 (d) another state or an agency of that state; or

4460 (e) a political subdivision of another state or an agency of that political subdivision.

4461 ~~[(23)]~~ (22) "Public transit district" means a ~~[local]~~ special district that operates under
4462 and is subject to the provisions of this chapter and Chapter 2a, Part 8, Public Transit District
4463 Act, including an entity that was created and operated as a public transit district under the law
4464 in effect before April 30, 2007.

4465 ~~[(24)]~~ (23) "Revenue bond":

4466 (a) means a bond payable from designated taxes or other revenues other than the ~~[local]~~
4467 special district's ad valorem property taxes; and

4468 (b) does not include:

4469 (i) an obligation constituting an indebtedness within the meaning of an applicable
4470 constitutional or statutory debt limit;

4471 (ii) a tax and revenue anticipation bond; or

4472 (iii) a special assessment bond.

4473 ~~[(25)]~~ (24) "Rules of order and procedure" means a set of rules that govern and
4474 prescribe in a public meeting:

4475 (a) parliamentary order and procedure;

4476 (b) ethical behavior; and

4477 (c) civil discourse.

4478 ~~[(26)]~~ (25) "Service applicant" means a person who requests that a ~~[local]~~ special
4479 district provide a service that the ~~[local]~~ special district is authorized to provide.

4480 ~~[(27)]~~ (26) "Service area" means a ~~[local]~~ special district that operates under and is
4481 subject to the provisions of this chapter and Chapter 2a, Part 9, Service Area Act, including an
4482 entity that was created and operated as a county service area or a regional service area under the
4483 law in effect before April 30, 2007.

4484 ~~[(28)]~~ (27) "Short-term bond" means a bond that is required to be repaid during the
4485 fiscal year in which the bond is issued.

4486 ~~[(29)]~~ (28) "Special assessment" means an assessment levied against property to pay all
4487 or a portion of the costs of making improvements that benefit the property.

4488 ~~[(30)]~~ (29) "Special assessment bond" means a bond payable from special assessments.

4489 (30) "Special district" means a limited purpose local government entity, as described in
4490 Section 17B-1-103, that operates under, is subject to, and has the powers set forth in:

4491 (a) this chapter; or

- 4492 (b) (i) this chapter; and
- 4493 (ii) (A) Chapter 2a, Part 1, Cemetery Maintenance District Act;
- 4494 (B) Chapter 2a, Part 2, Drainage District Area;
- 4495 (C) Chapter 2a, Part 3, Fire Protection District Act;
- 4496 (D) Chapter 2a, Part 4, Improvement District Act;
- 4497 (E) Chapter 2a, Part 5, Irrigation District Act;
- 4498 (F) Chapter 2a, Part 6, Metropolitan Water District Act;
- 4499 (G) Chapter 2a, Part 7, Mosquito Abatement District Act;
- 4500 (H) Chapter 2a, Part 8, Public Transit District Act;
- 4501 (I) Chapter 2a, Part 9, Service Area Act; or
- 4502 (J) Chapter 2a, Part 10, Water Conservancy District Act.

4503 (31) "Specialized [~~local~~] special district" means a [~~local~~] special district that is a
4504 cemetery maintenance district, a drainage district, a fire protection district, an improvement
4505 district, an irrigation district, a metropolitan water district, a mosquito abatement district, a
4506 public transit district, a service area, a water conservancy district, a municipal services district,
4507 or a public infrastructure district.

4508 (32) "Taxable value" means the taxable value of property as computed from the most
4509 recent equalized assessment roll for county purposes.

4510 (33) "Tax and revenue anticipation bond" means a bond:

4511 (a) issued in anticipation of the collection of taxes or other revenues or a combination
4512 of taxes and other revenues; and

4513 (b) that matures within the same fiscal year as the fiscal year in which the bond is
4514 issued.

4515 (34) "Unincorporated" means not included within a municipality.

4516 (35) "Water conservancy district" means a [~~local~~] special district that operates under
4517 and is subject to the provisions of this chapter and Chapter 2a, Part 10, Water Conservancy
4518 District Act, including an entity that was created and operated as a water conservancy district
4519 under the law in effect before April 30, 2007.

4520 (36) "Works" includes a dam, reservoir, well, canal, conduit, pipeline, drain, tunnel,
4521 power plant, and any facility, improvement, or property necessary or convenient for supplying
4522 or treating water for any beneficial use, and for otherwise accomplishing the purposes of a

4523 [~~local~~] special district.

4524 Section 62. Section **17B-1-103** is amended to read:

4525 **17B-1-103. Special district status and powers -- Registration as a limited purpose**
4526 **entity.**

4527 (1) A [~~local~~] special district:

4528 (a) is:

4529 (i) a body corporate and politic with perpetual succession;

4530 (ii) a quasi-municipal corporation; and

4531 (iii) a political subdivision of the state; and

4532 (b) may sue and be sued.

4533 (2) A [~~local~~] special district may:

4534 (a) acquire, by any lawful means, or lease any real property, personal property, or a
4535 groundwater right necessary or convenient to the full exercise of the district's powers;

4536 (b) acquire, by any lawful means, any interest in real property, personal property, or a
4537 groundwater right necessary or convenient to the full exercise of the district's powers;

4538 (c) transfer an interest in or dispose of any property or interest described in Subsections
4539 (2)(a) and (b);

4540 (d) acquire or construct works, facilities, and improvements necessary or convenient to
4541 the full exercise of the district's powers, and operate, control, maintain, and use those works,
4542 facilities, and improvements;

4543 (e) borrow money and incur indebtedness for any lawful district purpose;

4544 (f) issue bonds, including refunding bonds:

4545 (i) for any lawful district purpose; and

4546 (ii) as provided in and subject to Part 11, [~~Local~~] Special District Bonds;

4547 (g) levy and collect property taxes:

4548 (i) for any lawful district purpose or expenditure, including to cover a deficit resulting
4549 from tax delinquencies in a preceding year; and

4550 (ii) as provided in and subject to Part 10, [~~Local~~] Special District Property Tax Levy;

4551 (h) as provided in Title 78B, Chapter 6, Part 5, Eminent Domain, acquire by eminent
4552 domain property necessary to the exercise of the district's powers;

4553 (i) invest money as provided in Title 51, Chapter 7, State Money Management Act;

4554 (j) (i) impose fees or other charges for commodities, services, or facilities provided by
4555 the district, to pay some or all of the district's costs of providing the commodities, services, and
4556 facilities, including the costs of:

4557 (A) maintaining and operating the district;

4558 (B) acquiring, purchasing, constructing, improving, or enlarging district facilities;

4559 (C) issuing bonds and paying debt service on district bonds; and

4560 (D) providing a reserve established by the board of trustees; and

4561 (ii) take action the board of trustees considers appropriate and adopt regulations to
4562 assure the collection of all fees and charges that the district imposes;

4563 (k) if applicable, charge and collect a fee to pay for the cost of connecting a customer's
4564 property to district facilities in order for the district to provide service to the property;

4565 (l) enter into a contract that the ~~local~~ special district board of trustees considers
4566 necessary, convenient, or desirable to carry out the district's purposes, including a contract:

4567 (i) with the United States or any department or agency of the United States;

4568 (ii) to indemnify and save harmless; or

4569 (iii) to do any act to exercise district powers;

4570 (m) purchase supplies, equipment, and materials;

4571 (n) encumber district property upon terms and conditions that the board of trustees
4572 considers appropriate;

4573 (o) exercise other powers and perform other functions that are provided by law;

4574 (p) construct and maintain works and establish and maintain facilities, including works
4575 or facilities:

4576 (i) across or along any public street or highway, subject to Subsection (3) and if the
4577 district:

4578 (A) promptly restores the street or highway, as much as practicable, to its former state
4579 of usefulness; and

4580 (B) does not use the street or highway in a manner that completely or unnecessarily
4581 impairs the usefulness of it;

4582 (ii) in, upon, or over any vacant public lands that are or become the property of the
4583 state, including school and institutional trust lands, as defined in Section [53C-1-103](#), if the
4584 director of the School and Institutional Trust Lands Administration, acting under Sections

4585 53C-1-102 and 53C-1-303, consents; or

4586 (iii) across any stream of water or watercourse, subject to Section 73-3-29;

4587 (q) perform any act or exercise any power reasonably necessary for the efficient

4588 operation of the [local] special district in carrying out its purposes;

4589 (r) (i) except for a [local] special district described in Subsection (2)(r)(ii), designate an

4590 assessment area and levy an assessment on land within the assessment area, as provided in

4591 Title 11, Chapter 42, Assessment Area Act; or

4592 (ii) for a [local] special district created to assess a groundwater right in a critical

4593 management area described in Subsection 17B-1-202(1), designate an assessment area and levy

4594 an assessment, as provided in Title 11, Chapter 42, Assessment Area Act, on a groundwater

4595 right to facilitate a groundwater management plan;

4596 (s) contract with another political subdivision of the state to allow the other political

4597 subdivision to use the district's surplus water or capacity or have an ownership interest in the

4598 district's works or facilities, upon the terms and for the consideration, whether monetary or

4599 nonmonetary consideration or no consideration, that the district's board of trustees considers to

4600 be in the best interests of the district and the public;

4601 (t) upon the terms and for the consideration, whether monetary or nonmonetary

4602 consideration or no consideration, that the district's board of trustees considers to be in the best

4603 interests of the district and the public, agree:

4604 (i) (A) with another political subdivision of the state; or

4605 (B) with a public or private owner of property on which the district has a right-of-way

4606 or adjacent to which the district owns fee title to property; and

4607 (ii) to allow the use of property:

4608 (A) owned by the district; or

4609 (B) on which the district has a right-of-way; and

4610 (u) if the [local] special district receives, as determined by the [local] special district

4611 board of trustees, adequate monetary or nonmonetary consideration in return:

4612 (i) provide services or nonmonetary assistance to a nonprofit entity;

4613 (ii) waive fees required to be paid by a nonprofit entity; or

4614 (iii) provide monetary assistance to a nonprofit entity, whether from the [local] special

4615 district's own funds or from funds the [local] special district receives from the state or any other

4616 source.

4617 (3) With respect to a [~~local~~] special district's use of a street or highway, as provided in
4618 Subsection (2)(p)(i):

4619 (a) the district shall comply with the reasonable rules and regulations of the
4620 governmental entity, whether state, county, or municipal, with jurisdiction over the street or
4621 highway, concerning:

4622 (i) an excavation and the refilling of an excavation;

4623 (ii) the relaying of pavement; and

4624 (iii) the protection of the public during a construction period; and

4625 (b) the governmental entity, whether state, county, or municipal, with jurisdiction over
4626 the street or highway:

4627 (i) may not require the district to pay a license or permit fee or file a bond; and

4628 (ii) may require the district to pay a reasonable inspection fee.

4629 (4) (a) A [~~local~~] special district may:

4630 (i) acquire, lease, or construct and operate electrical generation, transmission, and
4631 distribution facilities, if:

4632 (A) the purpose of the facilities is to harness energy that results inherently from the
4633 district's operation of a project or facilities that the district is authorized to operate or from the
4634 district providing a service that the district is authorized to provide;

4635 (B) the generation of electricity from the facilities is incidental to the primary
4636 operations of the district; and

4637 (C) operation of the facilities will not hinder or interfere with the primary operations of
4638 the district;

4639 (ii) (A) use electricity generated by the facilities; or

4640 (B) subject to Subsection (4)(b), sell electricity generated by the facilities to an electric
4641 utility or municipality with an existing system for distributing electricity.

4642 (b) A district may not act as a retail distributor or seller of electricity.

4643 (c) Revenue that a district receives from the sale of electricity from electrical
4644 generation facilities it owns or operates under this section may be used for any lawful district
4645 purpose, including the payment of bonds issued to pay some or all of the cost of acquiring or
4646 constructing the facilities.

4647 (5) A [local] special district may adopt and, after adoption, alter a corporate seal.

4648 (6) (a) Each [local] special district shall register and maintain the [local] special
4649 district's registration as a limited purpose entity, in accordance with Section 67-1a-15.

4650 (b) A [local] special district that fails to comply with Subsection (6)(a) or Section
4651 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.

4652 (7) (a) As used in this Subsection (7), "knife" means a cutting instrument that includes
4653 a sharpened or pointed blade.

4654 (b) The authority to regulate a knife is reserved to the state except where the
4655 Legislature specifically delegates responsibility to a [local] special district.

4656 (c) Unless specifically authorized by the Legislature by statute, a [local] special district
4657 may not adopt or enforce a regulation or rule pertaining to a knife.

4658 Section 63. Section 17B-1-104 is amended to read:

4659 **17B-1-104. Property owner provisions.**

4660 (1) For purposes of this title:

4661 (a) the owner of real property shall be:

4662 (i) except as provided in Subsection (1)(a)(ii), the fee title owner according to the
4663 records of the county recorder on the date of the filing of the request or petition; or

4664 (ii) for a proposed annexation under Part 4, Annexation, the lessee of military land, as
4665 defined in Section 63H-1-102, if the area proposed for annexation includes military land that is
4666 within a project area described in a project area plan adopted by the military installation
4667 development authority under Title 63H, Chapter 1, Military Installation Development
4668 Authority Act; and

4669 (b) the value of private real property shall be determined according to the last
4670 assessment before the filing of the request or petition, as determined by:

4671 (i) the county under Title 59, Chapter 2, Part 3, County Assessment, for property
4672 subject to assessment by the county;

4673 (ii) the State Tax Commission under Title 59, Chapter 2, Part 2, Assessment of
4674 Property, for property subject to assessment by the State Tax Commission; or

4675 (iii) the county, for all other property.

4676 (2) For purposes of each provision of this title that requires the owners of private real
4677 property covering a percentage of the total private land area within the proposed [local] special

4678 district to sign a request, petition, or protest:

4679 (a) a parcel of real property may not be included in the calculation of the required
4680 percentage unless the request or petition is signed by:

4681 (i) except as provided in Subsection (2)(a)(ii), owners representing a majority
4682 ownership interest in that parcel; or

4683 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number
4684 of owners of that parcel;

4685 (b) the signature of a person signing a request or petition in a representative capacity on
4686 behalf of an owner is invalid unless:

4687 (i) the person's representative capacity and the name of the owner the person represents
4688 are indicated on the request or petition with the person's signature; and

4689 (ii) the person provides documentation accompanying the request or petition that
4690 reasonably substantiates the person's representative capacity; and

4691 (c) subject to Subsection (2)(b), a duly appointed personal representative may sign a
4692 request or petition on behalf of a deceased owner.

4693 Section 64. Section **17B-1-104.5** is amended to read:

4694 **17B-1-104.5. Groundwater right owner provisions -- Vote.**

4695 (1) For purposes of this title, an owner of a groundwater right, is on the date of the
4696 filing of a groundwater right owner petition or groundwater right owner request, the owner
4697 according to:

4698 (a) a deed recorded with the county recorder in accordance with Section [73-1-10](#); or

4699 (b) a water right of record filed in the state engineer's office in accordance with Section
4700 [73-1-10](#).

4701 (2) For purposes of each provision of this title that requires the owners of groundwater
4702 rights covering a percentage of the total groundwater rights within the proposed [~~local~~] special
4703 district to sign a request, petition, or protest:

4704 (a) a groundwater right may not be included in the calculation of the required
4705 percentage unless the request or petition is signed by:

4706 (i) except as provided in Subsection (2)(a)(ii), owners representing a majority
4707 ownership interest in that groundwater right; or

4708 (ii) if the groundwater right is owned by joint tenants or tenants by the entirety, 50% of

4709 the number of owners of that groundwater right;

4710 (b) the signature of a person signing a request or petition in a representative capacity on
4711 behalf of an owner is invalid unless:

4712 (i) the person's representative capacity and the name of the owner the person represents
4713 are indicated on the request or petition with the person's signature; and

4714 (ii) the person provides documentation accompanying the request or petition that
4715 reasonably substantiates the person's representative capacity; and

4716 (c) subject to Subsection (2)(b), a duly appointed personal representative may sign a
4717 request or petition on behalf of the estate of a deceased owner.

4718 (3) For an election by groundwater right owners described in this title, each owner of a
4719 groundwater right is entitled to cast one vote.

4720 Section 65. Section **17B-1-105** is amended to read:

4721 **17B-1-105. Name of special district -- Name change.**

4722 (1) (a) The name of each [local] special district created on or after May 1, 2000 shall
4723 comply with Subsection [17-50-103\(2\)\(a\)](#).

4724 (b) The board of each [local] special district affected by Subsection [17-50-103\(2\)\(b\)](#)
4725 shall ensure that after January 1, 2005 the [local] special district name complies with the
4726 requirements of that Subsection.

4727 (2) The name of a [local] special district created after April 30, 2007 may not include
4728 the name of a county or municipality.

4729 (3) The name of a [local] special district may include words descriptive of the type of
4730 service that the district provides.

4731 (4) (a) A [local] special district board may change the name of that [local] special
4732 district as provided in this Subsection (4).

4733 (b) To initiate a name change, the [local] special district board shall:

4734 (i) hold a public hearing on the proposed name change;

4735 (ii) adopt a resolution approving the name change; and

4736 (iii) file with the lieutenant governor a notice of an impending name change, as defined
4737 in Section [67-1a-6.7](#), that meets the requirements of Subsection [67-1a-6.7\(3\)](#).

4738 (c) Upon the lieutenant governor's issuance of a certificate of name change under
4739 Section [67-1a-6.7](#), the [local] special district board shall:

4740 (i) if the [local] special district is located within the boundary of a single county,
4741 submit to the recorder of that county:

4742 (A) the original:

4743 (I) notice of an impending name change; and

4744 (II) certificate of name change; and

4745 (B) a certified copy of the resolution approving the name change; or

4746 (ii) if the [local] special district is located within the boundaries of more than a single
4747 county:

4748 (A) submit to the recorder of one of those counties:

4749 (I) the original of the documents listed in Subsections (4)(c)(i)(A)(I) and (II); and

4750 (II) a certified copy of the resolution approving the name change; and

4751 (B) submit to the recorder of each other county:

4752 (I) a certified copy of the documents listed in Subsections (4)(c)(i)(A)(I) and (II); and

4753 (II) a certified copy of the resolution approving the name change.

4754 (d) (i) A name change under this Subsection (4) becomes effective upon the lieutenant
4755 governor's issuance of a certificate of name change under Section [67-1a-6.7](#).

4756 (ii) Notwithstanding Subsection (4)(d)(i), the [local] special district may not operate
4757 under the new name until the documents listed in Subsection (4)(c) are recorded in the office of
4758 the recorder of each county in which the [local] special district is located.

4759 Section 66. Section **17B-1-106** is amended to read:

4760 **17B-1-106. Notice before preparing or amending a long-range plan or acquiring**
4761 **certain property.**

4762 (1) As used in this section:

4763 (a) (i) "Affected entity" means each county, municipality, [local] special district under
4764 this title, special service district, school district, interlocal cooperation entity established under
4765 Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

4766 (A) whose services or facilities are likely to require expansion or significant
4767 modification because of an intended use of land; or

4768 (B) that has filed with the [local] special district a copy of the general or long-range
4769 plan of the county, municipality, [local] special district, school district, interlocal cooperation
4770 entity, or specified public utility.

4771 (ii) "Affected entity" does not include the [local] special district that is required under
4772 this section to provide notice.

4773 (b) "Specified public utility" means an electrical corporation, gas corporation, or
4774 telephone corporation, as those terms are defined in Section 54-2-1.

4775 (2) (a) If a [local] special district under this title located in a county of the first or
4776 second class prepares a long-range plan regarding the [local] special district's facilities
4777 proposed for the future or amends an already existing long-range plan, the [local] special
4778 district shall, before preparing a long-range plan or amendments to an existing long-range plan,
4779 provide written notice, as provided in this section, of the [local] special district's intent to
4780 prepare a long-range plan or to amend an existing long-range plan.

4781 (b) Each notice under Subsection (2)(a) shall:

4782 (i) indicate that the [local] special district intends to prepare a long-range plan or to
4783 amend a long-range plan, as the case may be;

4784 (ii) describe or provide a map of the geographic area that will be affected by the
4785 long-range plan or amendments to a long-range plan;

4786 (iii) be:

4787 (A) sent to each county in whose unincorporated area and each municipality in whose
4788 boundaries is located the land on which the proposed long-range plan or amendments to a
4789 long-range plan are expected to indicate that the proposed facilities will be located;

4790 (B) sent to each affected entity;

4791 (C) sent to the Utah Geospatial Resource Center created in Section 63A-16-505;

4792 (D) sent to each association of governments, established pursuant to an interlocal
4793 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or
4794 municipality described in Subsection (2)(b)(iii)(A) is a member; and

4795 (E) (I) placed on the Utah Public Notice Website created under Section 63A-16-601, if
4796 the [local] special district:

4797 (Aa) is required under Subsection 52-4-203(3) to use that website to provide public
4798 notice of a meeting; or

4799 (Bb) voluntarily chooses to place notice on that website despite not being required to
4800 do so under Subsection (2)(b)(iii)(E)(I)(Aa); or

4801 (II) the state planning coordinator appointed under Section 63J-4-401, if the [local]

4802 special district does not provide notice on the Utah Public Notice Website under Subsection
4803 (2)(b)(iii)(E)(I);

4804 (iv) with respect to the notice to counties and municipalities described in Subsection
4805 (2)(b)(iii)(A) and affected entities, invite them to provide information for the [local] special
4806 district to consider in the process of preparing, adopting, and implementing the long-range plan
4807 or amendments to a long-range plan concerning:

4808 (A) impacts that the use of land proposed in the proposed long-range plan or
4809 amendments to a long-range plan may have on the county, municipality, or affected entity; and

4810 (B) uses of land that the county, municipality, or affected entity is planning or
4811 considering that may conflict with the proposed long-range plan or amendments to a long-range
4812 plan; and

4813 (v) include the address of an Internet website, if the [local] special district has one, and
4814 the name and telephone number of an individual where more information can be obtained
4815 concerning the [local] special district's proposed long-range plan or amendments to a
4816 long-range plan.

4817 (3) (a) Except as provided in Subsection (3)(d), each [local] special district intending to
4818 acquire real property in a county of the first or second class for the purpose of expanding the
4819 [local] special district's infrastructure or other facilities used for providing the services that the
4820 [local] special district is authorized to provide shall provide written notice, as provided in this
4821 Subsection (3), of the [local] special district's intent to acquire the property if the intended use
4822 of the property is contrary to:

4823 (i) the anticipated use of the property under the county or municipality's general plan;

4824 or

4825 (ii) the property's current zoning designation.

4826 (b) Each notice under Subsection (3)(a) shall:

4827 (i) indicate that the [local] special district intends to acquire real property;

4828 (ii) identify the real property; and

4829 (iii) be sent to:

4830 (A) each county in whose unincorporated area and each municipality in whose
4831 boundaries the property is located; and

4832 (B) each affected entity.

4833 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
4834 [63G-2-305](#)(8).

4835 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the ~~[local]~~ special
4836 district previously provided notice under Subsection (2) identifying the general location within
4837 the municipality or unincorporated part of the county where the property to be acquired is
4838 located.

4839 (ii) If a ~~[local]~~ special district is not required to comply with the notice requirement of
4840 Subsection (3)(a) because of application of Subsection (3)(d)(i), the ~~[local]~~ special district shall
4841 provide the notice specified in Subsection (3)(a) as soon as practicable after the ~~[local]~~ special
4842 district's acquisition of the real property.

4843 Section 67. Section **17B-1-107** is amended to read:

4844 **17B-1-107. Recording a release of lien.**

4845 If a ~~[local]~~ special district records a lien upon real property or a groundwater right for
4846 an unpaid assessment by the owner and the owner then pays the assessment in full, including,
4847 subject to Section [17B-1-902.1](#), any interest and administrative costs, the ~~[local]~~ special district
4848 recording the lien shall record the release of the lien.

4849 Section 68. Section **17B-1-110** is amended to read:

4850 **17B-1-110. Compliance with nepotism requirements.**

4851 Each ~~[local]~~ special district shall comply with Title 52, Chapter 3, Prohibiting
4852 Employment of Relatives.

4853 Section 69. Section **17B-1-111** is amended to read:

4854 **17B-1-111. Impact fee resolution -- Notice and hearing requirements.**

4855 (1) (a) If a ~~[local]~~ special district wishes to impose impact fees, the board of trustees of
4856 the ~~[local]~~ special district shall:

4857 (i) prepare a proposed impact fee resolution that meets the requirements of Title 11,
4858 Chapter 36a, Impact Fees Act;

4859 (ii) make a copy of the impact fee resolution available to the public at least 14 days
4860 before the date of the public hearing and hold a public hearing on the proposed impact fee
4861 resolution; and

4862 (iii) provide reasonable notice of the public hearing at least 14 days before the date of
4863 the hearing.

4864 (b) After the public hearing, the board of trustees may:

4865 (i) adopt the impact fee resolution as proposed;

4866 (ii) amend the impact fee resolution and adopt or reject it as amended; or

4867 (iii) reject the resolution.

4868 (2) A [local] special district meets the requirements of reasonable notice required by
4869 this section if it:

4870 (a) posts notice of the hearing or meeting in at least three public places within the
4871 jurisdiction; or

4872 (b) gives actual notice of the hearing or meeting.

4873 (3) The [local] special district's board of trustees may enact a resolution establishing
4874 stricter notice requirements than those required by this section.

4875 (4) (a) Proof that one of the two forms of notice required by this section was given is
4876 prima facie evidence that notice was properly given.

4877 (b) If notice given under authority of this section is not challenged within 30 days from
4878 the date of the meeting for which the notice was given, the notice is considered adequate and
4879 proper.

4880 Section 70. Section **17B-1-113** is amended to read:

4881 **17B-1-113. Liability insurance.**

4882 (1) Each [local] special district with an annual operating budget of \$50,000 or more
4883 shall obtain liability insurance as considered appropriate by the [local] special district board.

4884 (2) Each [local] special district with an annual operating budget of less than \$50,000 is
4885 not required to obtain liability insurance, but liability insurance is encouraged, as considered
4886 appropriate by the [local] special district board.

4887 Section 71. Section **17B-1-114** is amended to read:

4888 **17B-1-114. Special district property taxes on a parity with general taxes.**

4889 Unless otherwise specifically provided by statute, property taxes levied by a [local]
4890 special district shall constitute a lien on the property on a parity with and collectible at the same
4891 time and in the same manner as general county taxes that are a lien on the property.

4892 Section 72. Section **17B-1-115** is amended to read:

4893 **17B-1-115. Validation of previously created special districts -- Continuation of**
4894 **certain special districts under this chapter -- Providing a previously authorized service.**

4895 (1) Each [local] special district created before April 30, 2007, under the law in effect at
4896 the time of the creation is declared to be validly and legally constituted.

4897 (2) An entity created and operating under the law in effect before April 30, 2007, as a
4898 [local] special district but not as a cemetery maintenance district, drainage district, fire
4899 protection district, improvement district, irrigation district, metropolitan water district,
4900 mosquito abatement district, public transit district, service area, or water conservancy district
4901 shall continue on and after April 30, 2007, as a [local] special district subject to the provisions
4902 of this chapter but not subject to the provisions of Chapter 2a, Provisions Applicable to
4903 Different Types of [Local] Special Districts.

4904 (3) Nothing in this title may be construed to prohibit or limit a [local] special district
4905 from providing on or after April 30, 2007, a service that it was authorized before that date to
4906 provide.

4907 Section 73. Section **17B-1-116** is amended to read:

4908 **17B-1-116. Property exempt from taxation and execution.**

4909 All property and assets of a [local] special district are exempt from taxation and exempt
4910 from execution.

4911 Section 74. Section **17B-1-118** is amended to read:

4912 **17B-1-118. Special district hookup fee -- Preliminary design or site plan from a**
4913 **specified public agency.**

4914 (1) As used in this section:

4915 (a) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
4916 meter, or appurtenance to connect to a [local] special district water, sewer, storm water, power,
4917 or other utility system.

4918 (b) "Impact fee" has the same meaning as defined in Section [11-36a-102](#).

4919 (c) "Specified public agency" means:

4920 (i) the state;

4921 (ii) a school district; or

4922 (iii) a charter school.

4923 (d) "State" includes any department, division, or agency of the state.

4924 (2) A [local] special district may not impose or collect a hookup fee that exceeds the
4925 reasonable cost of installing and inspecting the pipe, line, meter, or appurtenance to connect to

4926 the [local] special district water, sewer, storm water, power, or other utility system.

4927 (3) (a) A specified public agency intending to develop its land shall submit a
4928 development plan and schedule to each [local] special district from which the specified public
4929 agency anticipates the development will receive service:

4930 (i) as early as practicable in the development process, but no later than the
4931 commencement of construction; and

4932 (ii) with sufficient detail to enable the [local] special district to assess:

4933 (A) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b), (c),
4934 (d), (e), and (g) caused by the development;

4935 (B) the amount of any hookup fees, or impact fees or substantive equivalent;

4936 (C) any credit against an impact fee; and

4937 (D) the potential for waiving an impact fee.

4938 (b) The [local] special district shall respond to a specified public agency's submission
4939 under Subsection (3)(a) with reasonable promptness in order to allow the specified public
4940 agency to consider information the [local] special district provides under Subsection (3)(a)(ii)
4941 in the process of preparing the budget for the development.

4942 (4) Upon a specified public agency's submission of a development plan and schedule as
4943 required in Subsection (3) that complies with the requirements of that subsection, the specified
4944 public agency vests in the [local] special district's hookup fees and impact fees in effect on the
4945 date of submission.

4946 Section 75. Section 17B-1-119 is amended to read:

4947 **17B-1-119. Duty to comply with local land use provisions.**

4948 A [local] special district shall comply with Title 10, Chapter 9a, Municipal Land Use,
4949 Development, and Management Act, and Title 17, Chapter 27a, County Land Use,
4950 Development, and Management Act, as applicable, if a land use authority consults with or
4951 allows the [local] special district to participate in any way in a land use authority's land use
4952 development review or approval process.

4953 Section 76. Section 17B-1-120 is amended to read:

4954 **17B-1-120. Exactions -- Exaction for water interest -- Requirement to offer to**
4955 **original owner property acquired by exaction.**

4956 (1) A [local] special district may impose an exaction on a service received by an

4957 applicant, including, subject to Subsection (2), an exaction for a water interest if:

4958 (a) the [local] special district establishes that a legitimate [local] special district interest
4959 makes the exaction essential; and

4960 (b) the exaction is roughly proportionate, both in nature and extent, to the impact of the
4961 proposed service on the [local] special district.

4962 (2) (a) (i) A [local] special district shall base an exaction for a water interest on the
4963 culinary water authority's established calculations of projected water interest requirements.

4964 (ii) If requested by a service applicant, the culinary authority shall provide the basis for
4965 the culinary water authority's calculations described in Subsection (2)(a)(i).

4966 (b) A [local] special district may not impose an exaction for a water interest if the
4967 culinary water authority's existing available water interests exceed the water interests needed to
4968 meet the reasonable future water requirement of the public, as determined in accordance with
4969 Section 73-1-4.

4970 (3) (a) If a [local] special district plans to dispose of surplus real property that was
4971 acquired under this section and has been owned by the [local] special district for less than 15
4972 years, the [local] special district shall offer to reconvey the surplus real property, without
4973 receiving additional consideration, first to a person who granted the real property to the [local]
4974 special district.

4975 (b) The person described in Subsection (3)(a) shall, within 90 days after the day on
4976 which a [local] special district makes an offer under Subsection (3)(a), accept or reject the
4977 offer.

4978 (c) If a person rejects an offer under Subsection (3)(b), the [local] special district may
4979 sell the real property.

4980 Section 77. Section **17B-1-121** is amended to read:

4981 **17B-1-121. Limit on fees -- Requirement to itemize and account for fees --**

4982 **Appeals.**

4983 (1) A [local] special district may not impose or collect:

4984 (a) an application fee that exceeds the reasonable cost of processing the application; or

4985 (b) an inspection or review fee that exceeds the reasonable cost of performing an
4986 inspection or review.

4987 (2) (a) Upon request by a service applicant who is charged a fee or an owner of

4988 residential property upon which a fee is imposed, a [local] special district shall provide a
4989 statement of each itemized fee and calculation method for each fee.

4990 (b) If an applicant who is charged a fee or an owner of residential property upon which
4991 a fee is imposed submits a request for a statement of each itemized fee no later than 30 days
4992 after the day on which the applicant or owner pays the fee, the [local] special district shall, no
4993 later than 10 days after the day on which the request is received, provide or commit to provide
4994 within a specific time:

4995 (i) for each fee, any studies, reports, or methods relied upon by the [local] special
4996 district to create the calculation method described in Subsection (2)(a);

4997 (ii) an accounting of each fee paid;

4998 (iii) how each fee will be distributed by the [local] special district; and

4999 (iv) information on filing a fee appeal through the process described in Subsection
5000 (2)(c).

5001 (c) (i) A [local] special district shall establish an impartial fee appeal process to
5002 determine whether a fee reflects only the reasonable estimated cost of delivering the service for
5003 which the fee was paid.

5004 (ii) A party to a fee appeal described in Subsection (2)(c)(i) may petition for judicial
5005 review of the [local] special district's final decision.

5006 (3) A [local] special district may not impose on or collect from a public agency a fee
5007 associated with the public agency's development of the public agency's land other than:

5008 (a) subject to Subsection (1), a hookup fee; or

5009 (b) an impact fee, as defined in Section 11-36a-102 and subject to Section 11-36a-402,
5010 for a public facility listed in Subsection 11-36a-102(17)(a), (b), (c), (d), (e), or (g).

5011 Section 78. Section 17B-1-201 is amended to read:

5012 **Part 2. Creation of a Special District**

5013 **17B-1-201. Definitions.**

5014 As used in this part:

5015 (1) "Applicable area" means:

5016 (a) for a county, the unincorporated area of the county that is included within the
5017 proposed [local] special district; or

5018 (b) for a municipality, the area of the municipality that is included within the proposed

- 5019 [local] special district.
- 5020 (2) "Governing body" means:
- 5021 (a) for a county or municipality, the legislative body of the county or municipality; and
- 5022 (b) for a [local] special district, the board of trustees of the [local] special district.
- 5023 (3) "Groundwater right owner petition" means a petition under Subsection
- 5024 17B-1-203(1)(c).
- 5025 (4) "Groundwater right owner request" means a request under Section 17B-1-204 that
- 5026 is signed by owners of water rights as provided in Subsection 17B-1-204(2)(b)(ii).
- 5027 (5) "Initiating [local] special district" means a [local] special district that adopts a
- 5028 resolution proposing the creation of a [local] special district under Subsection 17B-1-203(1)(e).
- 5029 (6) "Petition" means a petition under Subsection 17B-1-203(1)(a), (b), or (c).
- 5030 (7) "Property owner petition" means a petition under Subsection 17B-1-203(1)(a).
- 5031 (8) "Property owner request" means a request under Section 17B-1-204 that is signed
- 5032 by owners of real property as provided in Subsection 17B-1-204(2)(b)(i).
- 5033 (9) "Registered voter request" means a request under Section 17B-1-204 that is signed
- 5034 by registered voters as provided in Subsection 17B-1-204(2)(b)(iii).
- 5035 (10) "Registered voter petition" means a petition under Subsection 17B-1-203(1)(b).
- 5036 (11) "Request" means a request as described in Section 17B-1-204.
- 5037 (12) "Responsible body" means the governing body of:
- 5038 (a) the municipality in which the proposed [local] special district is located, if the
- 5039 petition or resolution proposes the creation of a [local] special district located entirely within a
- 5040 single municipality;
- 5041 (b) the county in which the proposed [local] special district is located, if the petition or
- 5042 resolution proposes the creation of a [local] special district located entirely within a single
- 5043 county and all or part of the proposed [local] special district is located within:
- 5044 (i) the unincorporated part of the county; or
- 5045 (ii) more than one municipality within the county;
- 5046 (c) if the petition or resolution proposes the creation of a [local] special district located
- 5047 within more than one county, the county whose boundaries include more of the area of the
- 5048 proposed [local] special district than is included within the boundaries of any other county; or
- 5049 (d) the initiating [local] special district, if a resolution proposing the creation of a

5050 [~~local~~] special district is adopted under Subsection 17B-1-203(1)(e).

5051 (13) "Responsible clerk" means the clerk of the county or the clerk or recorder of the
5052 municipality whose legislative body is the responsible body.

5053 Section 79. Section 17B-1-202 is amended to read:

5054 **17B-1-202. Special district may be created -- Services that may be provided --**
5055 **Limitations.**

5056 (1) (a) A [~~local~~] special district may be created as provided in this part to provide
5057 within its boundaries service consisting of:

- 5058 (i) the operation of an airport;
- 5059 (ii) the operation of a cemetery;
- 5060 (iii) fire protection, paramedic, and emergency services, including consolidated 911
5061 and emergency dispatch services;
- 5062 (iv) garbage collection and disposal;
- 5063 (v) health care, including health department or hospital service;
- 5064 (vi) the operation of a library;
- 5065 (vii) abatement or control of mosquitos and other insects;
- 5066 (viii) the operation of parks or recreation facilities or services;
- 5067 (ix) the operation of a sewage system;
- 5068 (x) the construction and maintenance of a right-of-way, including:
 - 5069 (A) a curb;
 - 5070 (B) a gutter;
 - 5071 (C) a sidewalk;
 - 5072 (D) a street;
 - 5073 (E) a road;
 - 5074 (F) a water line;
 - 5075 (G) a sewage line;
 - 5076 (H) a storm drain;
 - 5077 (I) an electricity line;
 - 5078 (J) a communications line;
 - 5079 (K) a natural gas line; or
 - 5080 (L) street lighting;

- 5081 (xi) transportation, including public transit and providing streets and roads;
- 5082 (xii) the operation of a system, or one or more components of a system, for the
5083 collection, storage, retention, control, conservation, treatment, supplying, distribution, or
5084 reclamation of water, including storm, flood, sewage, irrigation, and culinary water, whether
5085 the system is operated on a wholesale or retail level or both;
- 5086 (xiii) in accordance with Subsection (1)(c), the acquisition or assessment of a
5087 groundwater right for the development and execution of a groundwater management plan in
5088 cooperation with and approved by the state engineer in accordance with Section 73-5-15;
- 5089 (xiv) law enforcement service;
- 5090 (xv) subject to Subsection (1)(b), the underground installation of an electric utility line
5091 or the conversion to underground of an existing electric utility line;
- 5092 (xvi) the control or abatement of earth movement or a landslide;
- 5093 (xvii) the operation of animal control services and facilities; or
- 5094 (xviii) an energy efficiency upgrade, a renewable energy system, or electric vehicle
5095 charging infrastructure as defined in Section 11-42a-102, in accordance with Title 11, Chapter
5096 42a, Commercial Property Assessed Clean Energy Act.
- 5097 (b) Each ~~[local]~~ special district that provides the service of the underground installation
5098 of an electric utility line or the conversion to underground of an existing electric utility line
5099 shall, in installing or converting the line, provide advance notice to and coordinate with the
5100 utility that owns the line.
- 5101 (c) A groundwater management plan described in Subsection (1)(a)(xiii) may include
5102 the banking of groundwater rights by a ~~[local]~~ special district in a critical management area as
5103 defined in Section 73-5-15 following the adoption of a groundwater management plan by the
5104 state engineer under Section 73-5-15.
- 5105 (i) A ~~[local]~~ special district may manage the groundwater rights it acquires under
5106 Subsection 17B-1-103(2)(a) or (b) consistent with the provisions of a groundwater
5107 management plan described in this Subsection (1)(c).
- 5108 (ii) A groundwater right held by a ~~[local]~~ special district to satisfy the provisions of a
5109 groundwater management plan is not subject to the forfeiture provisions of Section 73-1-4.
- 5110 (iii) (A) A ~~[local]~~ special district may divest itself of a groundwater right subject to a
5111 determination that the groundwater right is not required to facilitate the groundwater

5112 management plan described in this Subsection (1)(c).

5113 (B) The groundwater right described in Subsection (1)(c)(iii)(A) is subject to Section
5114 73-1-4 beginning on the date of divestiture.

5115 (iv) Upon a determination by the state engineer that an area is no longer a critical
5116 management area as defined in Section 73-5-15, a groundwater right held by the [local] special
5117 district is subject to Section 73-1-4.

5118 (v) A [local] special district created in accordance with Subsection (1)(a)(xiii) to
5119 develop and execute a groundwater management plan may hold or acquire a right to surface
5120 waters that are naturally tributary to the groundwater basin subject to the groundwater
5121 management plan if the surface waters are appropriated in accordance with Title 73, Water and
5122 Irrigation, and used in accordance with Title 73, Chapter 3b, Groundwater Recharge and
5123 Recovery Act.

5124 (2) For purposes of this section:

5125 (a) "Operation" means all activities involved in providing the indicated service
5126 including acquisition and ownership of property reasonably necessary to provide the indicated
5127 service and acquisition, construction, and maintenance of facilities and equipment reasonably
5128 necessary to provide the indicated service.

5129 (b) "System" means the aggregate of interrelated components that combine together to
5130 provide the indicated service including, for a sewage system, collection and treatment.

5131 (3) (a) A [local] special district may not be created to provide and may not after its
5132 creation provide more than four of the services listed in Subsection (1).

5133 (b) Subsection (3)(a) may not be construed to prohibit a [local] special district from
5134 providing more than four services if, before April 30, 2007, the [local] special district was
5135 authorized to provide those services.

5136 (4) (a) Except as provided in Subsection (4)(b), a [local] special district may not be
5137 created to provide and may not after its creation provide to an area the same service that may
5138 already be provided to that area by another political subdivision, unless the other political
5139 subdivision gives its written consent.

5140 (b) For purposes of Subsection (4)(a), a [local] special district does not provide the
5141 same service as another political subdivision if it operates a component of a system that is
5142 different from a component operated by another political subdivision but within the same:

5143 (i) sewage system; or

5144 (ii) water system.

5145 (5) (a) Except for a [local] special district in the creation of which an election is not
5146 required under Subsection 17B-1-214(3)(d), the area of a [local] special district may include all
5147 or part of the unincorporated area of one or more counties and all or part of one or more
5148 municipalities.

5149 (b) The area of a [local] special district need not be contiguous.

5150 (6) For a [local] special district created before May 5, 2008, the authority to provide
5151 fire protection service also includes the authority to provide:

5152 (a) paramedic service; and

5153 (b) emergency service, including hazardous materials response service.

5154 (7) A [local] special district created before May 11, 2010, authorized to provide the
5155 construction and maintenance of curb, gutter, or sidewalk may provide a service described in
5156 Subsection (1)(a)(x) on or after May 11, 2010.

5157 (8) A [local] special district created before May 10, 2011, authorized to provide
5158 culinary, irrigation, sewage, or storm water services may provide a service described in
5159 Subsection (1)(a)(xii) on or after May 10, 2011.

5160 (9) A [local] special district may not be created under this chapter for two years after
5161 the date on which a [local] special district is dissolved as provided in Section 17B-1-217 if the
5162 [local] special district proposed for creation:

5163 (a) provides the same or a substantially similar service as the dissolved [local] special
5164 district; and

5165 (b) is located in substantially the same area as the dissolved [local] special district.

5166 Section 80. Section 17B-1-203 is amended to read:

5167 **17B-1-203. Process to initiate the creation of a special district -- Petition or**
5168 **resolution.**

5169 (1) The process to create a [local] special district may be initiated by:

5170 (a) unless the proposed [local] special district is a [local] special district to acquire or
5171 assess a groundwater right under Section 17B-1-202, and subject to Section 17B-1-204, a
5172 petition signed by the owners of private real property that:

5173 (i) is located within the proposed [local] special district;

5174 (ii) covers at least 33% of the total private land area within the proposed [toeat] special
5175 district as a whole and within each applicable area;

5176 (iii) is equal in value to at least 25% of the value of all private real property within the
5177 proposed [toeat] special district as a whole and within each applicable area; and

5178 (iv) complies with the requirements of Subsection 17B-1-205(1) and Section
5179 17B-1-208;

5180 (b) subject to Section 17B-1-204, a petition that:

5181 (i) is signed by registered voters residing within the proposed [toeat] special district as
5182 a whole and within each applicable area, equal in number to at least 33% of the number of
5183 votes cast in the proposed [toeat] special district as a whole and in each applicable area,
5184 respectively, for the office of governor at the last regular general election prior to the filing of
5185 the petition; and

5186 (ii) complies with the requirements of Subsection 17B-1-205(1) and Section
5187 17B-1-208;

5188 (c) if the proposed [toeat] special district is a [toeat] special district to acquire or assess
5189 a groundwater right under Section 17B-1-202, and subject to Section 17B-1-204, a petition
5190 signed by the owners of groundwater rights that:

5191 (i) are diverted within the proposed [toeat] special district;

5192 (ii) cover at least 33% of the total amount of groundwater diverted in accordance with
5193 groundwater rights within the proposed [toeat] special district as a whole and within each
5194 applicable area; and

5195 (iii) comply with the requirements of Subsection 17B-1-205(1) and Section 17B-1-208;

5196 (d) a resolution proposing the creation of a [toeat] special district, adopted by the
5197 legislative body of each county whose unincorporated area, whether in whole or in part,
5198 includes and each municipality whose boundaries include any of the proposed [toeat] special
5199 district; or

5200 (e) a resolution proposing the creation of a [toeat] special district, adopted by the board
5201 of trustees of an existing [toeat] special district whose boundaries completely encompass the
5202 proposed [toeat] special district, if:

5203 (i) the proposed [toeat] special district is being created to provide one or more
5204 components of the same service that the initiating [toeat] special district is authorized to

5205 provide; and

5206 (ii) the initiating [local] special district is not providing to the area of the proposed
5207 [local] special district any of the components that the proposed [local] special district is being
5208 created to provide.

5209 (2) (a) Each resolution under Subsection (1)(d) or (e) shall:

5210 (i) describe the area proposed to be included in the proposed [local] special district;

5211 (ii) be accompanied by a map that shows the boundaries of the proposed [local] special
5212 district;

5213 (iii) describe the service proposed to be provided by the proposed [local] special
5214 district;

5215 (iv) if the resolution proposes the creation of a specialized [local] special district,
5216 specify the type of specialized [local] special district proposed to be created;

5217 (v) explain the anticipated method of paying the costs of providing the proposed
5218 service;

5219 (vi) state the estimated average financial impact on a household within the proposed
5220 [local] special district;

5221 (vii) state the number of members that the board of trustees of the proposed [local]
5222 special district will have, consistent with the requirements of Subsection 17B-1-302(4);

5223 (viii) for a proposed basic [local] special district:

5224 (A) state whether the members of the board of trustees will be elected or appointed or
5225 whether some members will be elected and some appointed, as provided in Section
5226 17B-1-1402;

5227 (B) if one or more members will be elected, state the basis upon which each elected
5228 member will be elected; and

5229 (C) if applicable, explain how the election or appointment of board members will
5230 transition from one method to another based on stated milestones or events, as provided in
5231 Section 17B-1-1402;

5232 (ix) for a proposed improvement district whose remaining area members or county
5233 members, as those terms are defined in Section 17B-2a-404, are to be elected, state that those
5234 members will be elected; and

5235 (x) for a proposed service area that is entirely within the unincorporated area of a single

5236 county, state whether the initial board of trustees will be:

5237 (A) the county legislative body;

5238 (B) appointed as provided in Section 17B-1-304; or

5239 (C) elected as provided in Section 17B-1-306.

5240 (b) Each county or municipal legislative body adopting a resolution under Subsection

5241 (1)(d) shall, on or before the first public hearing under Section 17B-1-210, mail or deliver a

5242 copy of the resolution to the responsible body if the county or municipal legislative body's

5243 resolution is one of multiple resolutions adopted by multiple county or municipal legislative

5244 bodies proposing the creation of the same [~~local~~] special district.

5245 Section 81. Section 17B-1-204 is amended to read:

5246 **17B-1-204. Request for service required before filing of petition -- Request**
5247 **requirements.**

5248 (1) A petition may not be filed until after:

5249 (a) a request has been filed with:

5250 (i) the clerk of each county in whose unincorporated area any part of the proposed

5251 [~~local~~] special district is located; and

5252 (ii) the clerk or recorder of each municipality in which any part of the proposed [~~local~~]

5253 special district is located; and

5254 (b) each county and municipality with which a request under Subsection (1)(a) is filed:

5255 (i) has adopted a resolution under Subsection 17B-1-212(1) indicating whether it will

5256 provide the requested service; or

5257 (ii) is considered to have declined to provide the requested service under Subsection

5258 17B-1-212(2) or (3).

5259 (2) Each request under Subsection (1)(a) shall:

5260 (a) ask the county or municipality to provide the service proposed to be provided by the
5261 proposed [~~local~~] special district within the applicable area; and

5262 (b) be signed by:

5263 (i) unless the request is a request to create a [~~local~~] special district to acquire or assess a

5264 groundwater right under Section 17B-1-202, the owners of private real property that:

5265 (A) is located within the proposed [~~local~~] special district;

5266 (B) covers at least 10% of the total private land area within the applicable area; and

5267 (C) is equal in value to at least 7% of the value of all private real property within the
5268 applicable area;

5269 (ii) if the request is a request to create a [toeat] special district to acquire or assess a
5270 groundwater right under Section 17B-1-202, the owners of groundwater rights that:

5271 (A) are diverted within the proposed [toeat] special district; and

5272 (B) cover at least 10% of the amount of groundwater diverted in accordance with
5273 groundwater rights within the applicable area; or

5274 (iii) registered voters residing within the applicable area equal in number to at least
5275 10% of the number of votes cast in the applicable area for the office of governor at the last
5276 general election prior to the filing of the request.

5277 (3) For purposes of Subsections (1) and (2), an area proposed to be annexed to a
5278 municipality in a petition under Section 10-2-403 filed before and still pending at the time of
5279 filing of a petition shall be considered to be part of that municipality.

5280 Section 82. Section 17B-1-205 is amended to read:

5281 **17B-1-205. Petition and request requirements -- Withdrawal of signature.**

5282 (1) Each petition and request shall:

5283 (a) indicate the typed or printed name and current residence address of each property
5284 owner, groundwater right owner, or registered voter signing the petition;

5285 (b) (i) if it is a property owner request or petition, indicate the address of the property
5286 as to which the owner is signing the request or petition; or

5287 (ii) if it is a groundwater right owner request or petition, indicate the location of the
5288 diversion of the groundwater as to which the owner is signing the groundwater right owner
5289 request or petition;

5290 (c) describe the entire area of the proposed [toeat] special district;

5291 (d) be accompanied by a map showing the boundaries of the entire proposed [toeat]
5292 special district;

5293 (e) specify the service proposed to be provided by the proposed [toeat] special district;

5294 (f) if the petition or request proposes the creation of a specialized [toeat] special
5295 district, specify the type of specialized [toeat] special district proposed to be created;

5296 (g) for a proposed basic [toeat] special district:

5297 (i) state whether the members of the board of trustees will be elected or appointed or

5298 whether some members will be elected and some appointed, as provided in Section
5299 17B-1-1402;

5300 (ii) if one or more members will be elected, state the basis upon which each elected
5301 member will be elected; and

5302 (iii) if applicable, explain how the election or appointment of board members will
5303 transition from one method to another based on stated milestones or events, as provided in
5304 Section 17B-1-1402;

5305 (h) for a proposed improvement district whose remaining area members or county
5306 members, as those terms are defined in Section 17B-2a-404, are to be elected, state that those
5307 members will be elected; and

5308 (i) for a proposed service area that is entirely within the unincorporated area of a single
5309 county, state whether the initial board of trustees will be:

5310 (i) the county legislative body;

5311 (ii) appointed as provided in Section 17B-1-304; or

5312 (iii) elected as provided in Section 17B-1-306;

5313 (j) designate up to five signers of the petition or request as sponsors, one of whom shall
5314 be designated as the contact sponsor, with the mailing address and telephone number of each;

5315 (k) if the petition or request is a groundwater right owner petition or request proposing
5316 the creation of a [~~local~~] special district to acquire a groundwater right under Section
5317 17B-1-202, explain the anticipated method:

5318 (i) of paying for the groundwater right acquisition; and

5319 (ii) of addressing blowing dust created by the reduced use of water; and

5320 (l) if the petition or request is a groundwater right owner petition or request proposing
5321 the creation of a [~~local~~] special district to assess a groundwater right under Section 17B-1-202,
5322 explain the anticipated method:

5323 (i) of assessing the groundwater right and securing payment of the assessment; and

5324 (ii) of addressing blowing dust created by the reduced use of water.

5325 (2) A signer of a request or petition may withdraw or, once withdrawn, reinstate the
5326 signer's signature at any time before the filing of the request or petition by filing a written
5327 withdrawal or reinstatement with:

5328 (a) in the case of a request:

5329 (i) the clerk of the county or the clerk or recorder of the municipality in whose
5330 applicable area the signer's property is located, if the request is a property owner request;

5331 (ii) the clerk of the county or the clerk or recorder of the municipality in whose
5332 applicable area the signer's groundwater diversion point is located, if the request is a
5333 groundwater right owner request; or

5334 (iii) the clerk of the county or the clerk or recorder of the municipality in whose
5335 applicable area the signer resides, if the request is a registered voter request; or

5336 (b) in the case of a petition, the responsible clerk.

5337 Section 83. Section **17B-1-207** is amended to read:

5338 **17B-1-207. Signature on request may be used on petition.**

5339 A signature on a request may be used toward fulfilling the signature requirement of a
5340 petition:

5341 (1) if the request notifies the signer in conspicuous language that the signature, unless
5342 withdrawn, would also be used for purposes of a petition to create a ~~[local]~~ special district; and

5343 (2) unless the signer files a written withdrawal of the signature before the petition is
5344 filed.

5345 Section 84. Section **17B-1-208** is amended to read:

5346 **17B-1-208. Additional petition requirements and limitations.**

5347 (1) Each petition shall:

5348 (a) be filed with the responsible clerk;

5349 (b) separately group signatures by county and municipality, so that all signatures of the
5350 owners of real property located within or of registered voters residing within each county
5351 whose unincorporated area includes and each municipality whose boundaries include part of
5352 the proposed ~~[local]~~ special district are grouped separately; and

5353 (c) state the number of members that the board of trustees of the proposed ~~[local]~~
5354 special district will have, consistent with the requirements of Subsection **17B-1-302**(4).

5355 (2) (a) A petition may not propose the creation of a ~~[local]~~ special district that includes
5356 an area located within the unincorporated part of a county or within a municipality if the
5357 legislative body of that county or municipality has adopted a resolution under Subsection
5358 **17B-1-212**(1) indicating that the county or municipality will provide to that area the service
5359 proposed to be provided by the proposed ~~[local]~~ special district.

5360 (b) Subsection (2)(a) does not apply if the county or municipal legislative body is
5361 considered to have declined to provide the requested service under Subsection 17B-1-212(3).

5362 (c) Subsection (2)(a) may not be construed to prevent the filing of a petition that
5363 proposes the creation of a [local] special district whose area excludes that part of the
5364 unincorporated area of a county or that part of a municipality to which the county or
5365 municipality has indicated, in a resolution adopted under Section 17B-1-212, it will provide the
5366 requested service.

5367 (3) A petition may not propose the creation of a [local] special district whose area
5368 includes:

5369 (a) some or all of an area described in a previously filed petition that, subject to
5370 Subsection 17B-1-202(4)(b):

5371 (i) proposes the creation of a [local] special district to provide the same service as
5372 proposed by the later filed petition; and

5373 (ii) is still pending at the time the later petition is filed; or

5374 (b) some or all of an area within a political subdivision that provides in that area the
5375 same service proposed to be provided by the proposed [local] special district.

5376 (4) A petition may not be filed more than 12 months after a county or municipal
5377 legislative body declines to provide the requested service under Subsection 17B-1-212(1) or is
5378 considered to have declined to provide the requested service under Subsection 17B-1-212(2) or
5379 (3).

5380 Section 85. Section 17B-1-209 is amended to read:

5381 **17B-1-209. Petition certification -- Amended petition.**

5382 (1) No later than five days after the day on which a petition is filed, the responsible
5383 clerk shall mail a copy of the petition to the clerk of each other county and the clerk or recorder
5384 of each municipality in which any part of the proposed [local] special district is located.

5385 (2) (a) No later than 35 days after the day on which a petition is filed, the clerk of each
5386 county whose unincorporated area includes and the clerk or recorder of each municipality
5387 whose boundaries include part of the proposed [local] special district shall:

5388 (i) with the assistance of other county or municipal officers from whom the county
5389 clerk or municipal clerk or recorder requests assistance, determine, for the clerk or recorder's
5390 respective county or municipality, whether the petition complies with the requirements of

5391 Subsection 17B-1-203(1)(a), (b), or (c), as the case may be, and Subsections 17B-1-208(2), (3),
5392 and (4); and

5393 (ii) notify the responsible clerk in writing of the clerk or recorder's determination under
5394 Subsection (2)(a)(i).

5395 (b) The responsible clerk may rely on the determinations of other county clerks or
5396 municipal clerks or recorders under Subsection (2)(a) in making the responsible clerk's
5397 determinations and certification or rejection under Subsection (3).

5398 (3) (a) Within 45 days after the filing of a petition, the responsible clerk shall:

5399 (i) determine whether the petition complies with Subsection 17B-1-203(1)(a), (b), or
5400 (c), as the case may be, Subsection 17B-1-205(1), and Section 17B-1-208; and

5401 (ii) (A) if the responsible clerk determines that the petition complies with the
5402 applicable requirements:

5403 (I) (Aa) certify the petition and deliver the certified petition to the responsible body;
5404 and

5405 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

5406 (II) for each petition described in Subsection (3)(b)(i), deliver a copy of the petition to
5407 the legislative body of each county whose unincorporated area includes and each municipality
5408 whose boundaries include any of the proposed basic [~~local~~] special district, with a notice
5409 indicating that the clerk has determined that the petition complies with applicable
5410 requirements; or

5411 (B) if the responsible clerk determines that the petition fails to comply with any of the
5412 applicable requirements, reject the petition and notify the contact sponsor in writing of the
5413 rejection and the reasons for the rejection.

5414 (b) (i) A petition for which an election is not required under Subsection 17B-1-214(3)
5415 and that proposes the creation of a basic [~~local~~] special district that has within its boundaries
5416 fewer than one residential dwelling unit per 10 acres of land may not be certified without the
5417 approval, by resolution, of the legislative body of each county whose unincorporated area
5418 includes and each municipality whose boundaries include any of the proposed [~~local~~] special
5419 district.

5420 (ii) Before adopting a resolution giving its approval under Subsection (3)(b)(i), a
5421 county or municipal legislative body may hold one or more public hearings on the petition.

- 5422 (iii) If a petition described in Subsection (3)(b)(i) is approved as provided in that
5423 subsection, the responsible clerk shall, within 10 days after its approval:
- 5424 (A) certify the petition and deliver the certified petition to the responsible body; and
5425 (B) mail or deliver written notification of the certification to the contact sponsor.
- 5426 (4) Except for a petition described in Subsection (3)(b)(i), if the responsible clerk fails
5427 to certify or reject a petition within 45 days after its filing, the petition shall be considered to be
5428 certified.
- 5429 (5) The responsible clerk shall certify or reject petitions in the order in which they are
5430 filed.
- 5431 (6) (a) If the responsible clerk rejects a petition under Subsection (3)(a)(ii)(B), the
5432 petition may be amended to correct the deficiencies for which it was rejected and then refiled.
- 5433 (b) A valid signature on a petition that was rejected under Subsection (3)(a)(ii)(B) may
5434 be used toward fulfilling the applicable signature requirement of the petition as amended under
5435 Subsection (6)(a).
- 5436 (c) If a petition is amended and refiled under Subsection (6)(a) after having been
5437 rejected by the responsible clerk under Subsection (3)(a)(ii)(B), the amended petition shall be
5438 considered as newly filed, and its processing priority shall be determined by the date on which
5439 it is refiled.
- 5440 (7) The responsible clerk and each county clerk and municipal clerk or recorder shall
5441 act in good faith in making the determinations under this section.

5442 Section 86. Section **17B-1-210** is amended to read:

5443 **17B-1-210. Public hearing.**

- 5444 (1) The legislative body of each county and municipality with which a request is filed
5445 or that adopts a resolution under Subsection **17B-1-203(1)(d)** and the board of trustees of each
5446 [~~local~~] special district that adopts a resolution under Subsection **17B-1-203(1)(e)** shall hold a
5447 public hearing or a set of public hearings, sufficient in number and location to ensure that no
5448 substantial group of residents of the proposed [~~local~~] special district need travel an
5449 unreasonable distance to attend a public hearing.
- 5450 (2) Each public hearing under Subsection (1) shall be held:
- 5451 (a) no later than 45 days after:
- 5452 (i) for a public hearing on a request, certification of a request under Subsection

- 5453 17B-1-206(1)(b)(i); or
- 5454 (ii) for a public hearing on a resolution, adoption of a resolution under Subsection
- 5455 17B-1-203(1)(d) or (e);
- 5456 (b) within the proposed [~~local~~] special district;
- 5457 (c) except as provided in Subsections (6) and (7), within the applicable area; and
- 5458 (d) for the purpose of:
- 5459 (i) for a public hearing on a request, allowing public input on:
- 5460 (A) whether the requested service is needed in the area of the proposed [~~local~~] special
- 5461 district;
- 5462 (B) whether the service should be provided by the county or municipality or the
- 5463 proposed [~~local~~] special district; and
- 5464 (C) all other matters relating to the request or the proposed [~~local~~] special district; or
- 5465 (ii) for a public hearing on a resolution, allowing the public to ask questions of and
- 5466 obtain further information from the governing body holding the hearing regarding the issues
- 5467 contained in or raised by the resolution.
- 5468 (3) A quorum of each governing body holding a public hearing under this section shall
- 5469 be present throughout each hearing held by that governing body.
- 5470 (4) Each hearing under this section shall be held on a weekday evening other than a
- 5471 holiday beginning no earlier than 6 p.m.
- 5472 (5) At the beginning and end of each hearing concerning a resolution, the governing
- 5473 body shall announce the deadline for filing protests and generally explain the protest procedure
- 5474 and requirements.
- 5475 (6) Two or more county or municipal legislative bodies may jointly hold a hearing or
- 5476 set of hearings required under this section if all the requirements of this section, other than the
- 5477 requirements of Subsection (2)(c), are met as to each hearing.
- 5478 (7) Notwithstanding Subsection (2)(c), a governing body may hold a public hearing or
- 5479 set of public hearings outside the applicable area if:
- 5480 (a) there is no reasonable place to hold a public hearing within the applicable area; and
- 5481 (b) the public hearing or set of public hearings is held as close to the applicable area as
- 5482 reasonably possible.
- 5483 Section 87. Section 17B-1-211 is amended to read:

5484 **17B-1-211. Notice of public hearings -- Publication of resolution.**

5485 (1) Before holding a public hearing or set of public hearings under Section 17B-1-210,
5486 the legislative body of each county or municipality with which a request is filed or that adopts a
5487 resolution under Subsection 17B-1-203(1)(d) and the board of trustees of each [local] special
5488 district that adopts a resolution under Subsection 17B-1-203(1)(e) shall:

5489 (a) (i) in accordance with Subsection (2), post at least one notice per 1,000 population
5490 of the applicable area and at places within the area that are most likely to provide actual notice
5491 to residents of the area; and

5492 (ii) publish notice on the Utah Public Notice Website created in Section 63A-16-601,
5493 for two weeks before the hearing or the first of the set of hearings; or

5494 (b) mail a notice to each registered voter residing within and each owner of real
5495 property located within the proposed [local] special district.

5496 (2) Each notice required under Subsection (1) shall:

5497 (a) if the hearing or set of hearings is concerning a resolution:

5498 (i) contain the entire text or an accurate summary of the resolution; and

5499 (ii) state the deadline for filing a protest against the creation of the proposed [local]
5500 special district;

5501 (b) clearly identify each governing body involved in the hearing or set of hearings;

5502 (c) state the date, time, and place for the hearing or set of hearings and the purposes for
5503 the hearing or set of hearings; and

5504 (d) describe or include a map of the entire proposed [local] special district.

5505 (3) County or municipal legislative bodies may jointly provide the notice required
5506 under this section if all the requirements of this section are met as to each notice.

5507 Section 88. Section 17B-1-212 is amended to read:

5508 **17B-1-212. Resolution indicating whether the requested service will be provided.**

5509 (1) Within 60 days after the last hearing required under Section 17B-1-210 concerning
5510 a request, the legislative body of each county whose unincorporated area includes and the
5511 legislative body of each municipality whose boundaries include any part of the proposed [local]
5512 special district shall adopt a resolution indicating whether the county or municipality will
5513 provide to the area of the proposed [local] special district within its boundaries the service
5514 proposed to be provided by the proposed [local] special district.

5515 (2) If the legislative body of a county or municipality fails to adopt a resolution within
 5516 the time provided under Subsection (1), the county or municipal legislative body shall be
 5517 considered to have declined to provide the service requested.

5518 (3) If the county or municipality adopts a resolution under Subsection (1) indicating
 5519 that it will provide the requested service but does not, within 120 days after the adoption of that
 5520 resolution, take substantial measures to provide the requested service, the county or municipal
 5521 legislative body shall be considered to have declined to provide the requested service.

5522 (4) Each county or municipality that adopts a resolution under Subsection (1)
 5523 indicating that it will provide the requested service shall diligently proceed to take all measures
 5524 necessary to provide the service.

5525 Section 89. Section **17B-1-213** is amended to read:

5526 **17B-1-213. Protest after adoption of resolution -- Adoption of resolution**
 5527 **approving creation for certain special districts.**

5528 (1) For purposes of this section, "adequate protests" means protests that are:

5529 (a) filed with the county clerk, municipal clerk or recorder, or ~~local~~ special district
 5530 secretary or clerk, as the case may be, within 60 days after the last public hearing required
 5531 under Section **17B-1-210**; and

5532 (b) signed by:

5533 (i) the owners of private real property that:

5534 (A) is located within the proposed ~~local~~ special district;

5535 (B) covers at least 25% of the total private land area within the applicable area; and

5536 (C) is equal in value to at least 15% of the value of all private real property within the
 5537 applicable area; or

5538 (ii) registered voters residing within the applicable area equal in number to at least 25%
 5539 of the number of votes cast in the applicable area for the office of president of the United States
 5540 at the most recent election prior to the adoption of the resolution.

5541 (2) An owner may withdraw a protest at any time before the expiration of the 60-day
 5542 period described in Subsection (1)(a).

5543 (3) If adequate protests are filed, the governing body that adopted a resolution under
 5544 Subsection **17B-1-203**(1)(d) or (e):

5545 (a) may not:

5546 (i) hold or participate in an election under Subsection 17B-1-214(1) with respect to the
5547 applicable area;

5548 (ii) take any further action under the protested resolution to create a [toeat] special
5549 district or include the applicable area in a [toeat] special district; or

5550 (iii) for a period of two years, adopt a resolution under Subsection 17B-1-203(1)(d) or
5551 (e) proposing the creation of a [toeat] special district including substantially the same area as
5552 the applicable area and providing the same service as the proposed [toeat] special district in the
5553 protested resolution; and

5554 (b) shall, within five days after receiving adequate protests, mail or deliver written
5555 notification of the adequate protests to the responsible body.

5556 (4) Subsection (3)(a) may not be construed to prevent an election from being held for a
5557 proposed [toeat] special district whose boundaries do not include an applicable area that is the
5558 subject of adequate protests.

5559 (5) (a) If adequate protests are not filed with respect to a resolution proposing the
5560 creation of a [toeat] special district for which an election is not required under Subsection
5561 17B-1-214(3)(d), (e), (f), or (g), a resolution approving the creation of the [toeat] special
5562 district may be adopted by:

5563 (i) (A) the legislative body of a county whose unincorporated area is included within
5564 the proposed [toeat] special district; and

5565 (B) the legislative body of a municipality whose area is included within the proposed
5566 [toeat] special district; or

5567 (ii) the board of trustees of the initiating [toeat] special district.

5568 (b) Each resolution adopted under Subsection (5)(a) shall:

5569 (i) describe the area included in the [toeat] special district;

5570 (ii) be accompanied by a map that shows the boundaries of the [toeat] special district;

5571 (iii) describe the service to be provided by the [toeat] special district;

5572 (iv) state the name of the [toeat] special district; and

5573 (v) provide a process for the appointment of the members of the initial board of
5574 trustees.

5575 Section 90. Section 17B-1-214 is amended to read:

5576 **17B-1-214. Election -- Exceptions.**

5577 (1) (a) Except as provided in Subsection (3) and in Subsection 17B-1-213(3)(a), an
5578 election on the question of whether the [local] special district should be created shall be held
5579 by:

5580 (i) if the proposed [local] special district is located entirely within a single county, the
5581 responsible clerk; or

5582 (ii) except as provided under Subsection (1)(b), if the proposed [local] special district
5583 is located within more than one county, the clerk of each county in which part of the proposed
5584 [local] special district is located, in cooperation with the responsible clerk.

5585 (b) Notwithstanding Subsection (1)(a)(ii), if the proposed [local] special district is
5586 located within more than one county and the only area of a county that is included within the
5587 proposed [local] special district is located within a single municipality, the election for that
5588 area shall be held by the municipal clerk or recorder, in cooperation with the responsible clerk.

5589 (2) Each election under Subsection (1) shall be held at the next special or regular
5590 general election date that is:

5591 (a) for an election pursuant to a property owner or registered voter petition, more than
5592 45 days after certification of the petition under Subsection 17B-1-209(3)(a); or

5593 (b) for an election pursuant to a resolution, more than 60 days after the latest hearing
5594 required under Section 17B-1-210.

5595 (3) The election requirement of Subsection (1) does not apply to:

5596 (a) a petition filed under Subsection 17B-1-203(1)(a) if it contains the signatures of the
5597 owners of private real property that:

5598 (i) is located within the proposed [local] special district;

5599 (ii) covers at least 67% of the total private land area within the proposed [local] special
5600 district as a whole and within each applicable area; and

5601 (iii) is equal in value to at least 50% of the value of all private real property within the
5602 proposed [local] special district as a whole and within each applicable area;

5603 (b) a petition filed under Subsection 17B-1-203(1)(b) if it contains the signatures of
5604 registered voters residing within the proposed [local] special district as a whole and within each
5605 applicable area, equal in number to at least 67% of the number of votes cast in the proposed
5606 [local] special district as a whole and in each applicable area, respectively, for the office of
5607 governor at the last general election prior to the filing of the petition;

5608 (c) a groundwater right owner petition filed under Subsection 17B-1-203(1)(c) if the
5609 petition contains the signatures of the owners of groundwater rights that:

5610 (i) are diverted within the proposed [local] special district; and

5611 (ii) cover at least 67% of the total amount of groundwater diverted in accordance with
5612 groundwater rights within the proposed [local] special district as a whole and within each
5613 applicable area;

5614 (d) a resolution adopted under Subsection 17B-1-203(1)(d) on or after May 5, 2003,
5615 that proposes the creation of a [local] special district to provide fire protection, paramedic, and
5616 emergency services or law enforcement service, if the proposed [local] special district:

5617 (i) includes the unincorporated area, whether in whole or in part, of one or more
5618 counties; or

5619 (ii) consists of an area that:

5620 (A) has a boundary that is the same as the boundary of the municipality whose
5621 legislative body adopts the resolution proposing the creation of the [local] special district;

5622 (B) previously received fire protection, paramedic, and emergency services or law
5623 enforcement service from another [local] special district; and

5624 (C) may be withdrawn from the other [local] special district under Section 17B-1-505
5625 without an election because the withdrawal is pursuant to an agreement under Subsection
5626 17B-1-505(5)(a)(ii)(A) or (5)(b);

5627 (e) a resolution adopted under Subsection 17B-1-203(1)(d) or (e) if the resolution
5628 proposes the creation of a [local] special district that has no registered voters within its
5629 boundaries;

5630 (f) a resolution adopted under Subsection 17B-1-203(1)(d) on or after May 11, 2010,
5631 that proposes the creation of a [local] special district described in Subsection
5632 17B-1-202(1)(a)(xiii); or

5633 (g) a resolution adopted under Section 17B-2a-1105 to create a municipal services
5634 district.

5635 (4) (a) If the proposed [local] special district is located in more than one county, the
5636 responsible clerk shall coordinate with the clerk of each other county and the clerk or recorder
5637 of each municipality involved in an election under Subsection (1) so that the election is held on
5638 the same date and in a consistent manner in each jurisdiction.

5639 (b) The clerk of each county and the clerk or recorder of each municipality involved in
5640 an election under Subsection (1) shall cooperate with the responsible clerk in holding the
5641 election.

5642 (c) Except as otherwise provided in this part, each election under Subsection (1) shall
5643 be governed by Title 20A, Election Code.

5644 Section 91. Section 17B-1-215 is amended to read:

5645 **17B-1-215. Notice and plat to lieutenant governor -- Recording requirements --**
5646 **Certificate of incorporation -- Special district incorporated as specialized special district**
5647 **or basic special district -- Effective date.**

5648 (1) (a) Within the time specified in Subsection (1)(b), the responsible body shall file
5649 with the lieutenant governor:

5650 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
5651 that meets the requirements of Subsection 67-1a-6.5(3); and

5652 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

5653 (b) The responsible body shall file the documents listed in Subsection (1)(a) with the
5654 lieutenant governor within 10 days after:

5655 (i) the canvass of an election under Section 17B-1-214, if a majority of those voting at
5656 the election within the proposed [local] special district as a whole vote in favor of the creation
5657 of a [local] special district;

5658 (ii) certification of a petition as to which the election requirement of Subsection
5659 17B-1-214(1) does not apply because of Subsection 17B-1-214(3)(a), (b), or (c); or

5660 (iii) adoption of a resolution, under Subsection 17B-1-213(5) approving the creation of
5661 a [local] special district for which an election was not required under Subsection
5662 17B-1-214(3)(d), (e), (f), or (g) by the legislative body of each county whose unincorporated
5663 area is included within and the legislative body of each municipality whose area is included
5664 within the proposed [local] special district, or by the board of trustees of the initiating [local]
5665 special district.

5666 (2) Upon the lieutenant governor's issuance of a certificate of incorporation under
5667 Section 67-1a-6.5, the responsible body shall:

5668 (a) if the [local] special district is located within the boundary of a single county,
5669 submit to the recorder of that county:

- 5670 (i) the original:
- 5671 (A) notice of an impending boundary action;
- 5672 (B) certificate of incorporation; and
- 5673 (C) approved final local entity plat; and
- 5674 (ii) if applicable, a certified copy of each resolution adopted under Subsection
- 5675 [17B-1-213](#)(5); or
- 5676 (b) if the ~~[local]~~ special district is located within the boundaries of more than a single
- 5677 county:
- 5678 (i) submit to the recorder of one of those counties:
- 5679 (A) the original of the documents listed in Subsections (2)(a)(i)(A), (B), and (C); and
- 5680 (B) if applicable, a certified copy of each resolution adopted under Subsection
- 5681 [17B-1-213](#)(5); and
- 5682 (ii) submit to the recorder of each other county:
- 5683 (A) a certified copy of the documents listed in Subsection (2)(a)(i)(A), (B), and (C);
- 5684 and
- 5685 (B) if applicable, a certified copy of each resolution adopted under Subsection
- 5686 [17B-1-213](#)(5).
- 5687 (3) The area of each ~~[local]~~ special district consists of:
- 5688 (a) if an election was held under Section [17B-1-214](#), the area of the new ~~[local]~~ special
- 5689 district as approved at the election;
- 5690 (b) if an election was not required because of Subsection [17B-1-214](#)(3)(a), (b), or (c),
- 5691 the area of the proposed ~~[local]~~ special district as described in the petition; or
- 5692 (c) if an election was not required because of Subsection [17B-1-214](#)(3)(d), (e), (f), or
- 5693 (g), the area of the new ~~[local]~~ special district as described in the resolution adopted under
- 5694 Subsection [17B-1-213](#)(5).
- 5695 (4) (a) Upon the lieutenant governor's issuance of the certificate of incorporation under
- 5696 Section [67-1a-6.5](#), the ~~[local]~~ special district is created and incorporated as:
- 5697 (i) the type of specialized ~~[local]~~ special district that was specified in the petition under
- 5698 Subsection [17B-1-203](#)(1)(a), (b), or (c) or resolution under Subsection [17B-1-203](#)(1)(d) or (e),
- 5699 if the petition or resolution proposed the creation of a specialized ~~[local]~~ special district; or
- 5700 (ii) a basic ~~[local]~~ special district, if the petition or resolution did not propose the

5701 creation of a specialized ~~local~~ special district.

5702 (b) (i) The effective date of a ~~local~~ special district's incorporation for purposes of
5703 assessing property within the ~~local~~ special district is governed by Section 59-2-305.5.

5704 (ii) Until the documents listed in Subsection (2) are recorded in the office of the
5705 recorder of each county in which the property is located, a newly incorporated ~~local~~ special
5706 district may not:

5707 (A) levy or collect a property tax on property within the ~~local~~ special district;

5708 (B) levy or collect an assessment on property within the ~~local~~ special district; or

5709 (C) charge or collect a fee for service provided to property within the ~~local~~ special
5710 district.

5711 Section 92. Section 17B-1-216 is amended to read:

5712 **17B-1-216. Costs and expenses of creating a special district.**

5713 (1) Except as provided in Subsection (2), each county whose unincorporated area
5714 includes and each municipality whose boundaries include some or all of the proposed ~~local~~
5715 special district shall bear their respective costs and expenses associated with the procedure
5716 under this part for creating a ~~local~~ special district.

5717 (2) Within a year after its creation, each ~~local~~ special district shall reimburse the costs
5718 and expenses associated with the preparation, certification, and recording of the approved final
5719 local entity plat of the ~~local~~ special district and accompanying documents under Section
5720 17B-1-215.

5721 Section 93. Section 17B-1-217 is amended to read:

5722 **17B-1-217. Activity required -- Dissolution -- Conclusive presumption regarding**
5723 **creation and existence.**

5724 (1) A ~~local~~ special district that is not engaged in one or more of the following
5725 activities, services, or duties is subject to dissolution in accordance with Subsections (5) and
5726 (6):

5727 (a) levying and collecting a tax;

5728 (b) providing a commodity or service;

5729 (c) collecting a fee or charging an assessment for a commodity, service, facility, or
5730 improvement provided by the ~~local~~ special district;

5731 (d) undertaking planning necessary for the provision of a commodity, service, facility,

5732 or improvement as reflected in a written study or report;

5733 (e) acquiring or maintaining property or an easement necessary for a service, facility, or
5734 improvement to be provided by the [local] special district in accordance with a general or
5735 master plan adopted by the district;

5736 (f) constructing, installing, maintaining, owning, or operating infrastructure for the
5737 provision of a commodity, service, facility, or improvement; or

5738 (g) legally incurring debt, contracting, or otherwise being obligated to provide a
5739 commodity, service, facility, or improvement within a reasonable period of time.

5740 (2) For a [local] special district created after May 14, 2013, the [local] special district
5741 shall file with the state auditor a written certification:

5742 (a) declaring that the district is engaged in an activity, service, or duty described in
5743 Subsection (1);

5744 (b) identifying the activity in which the [local] special district is engaged; and

5745 (c) no later than five years after the date on which a [local] special district is created as
5746 reflected in the certificate of incorporation issued by the lieutenant governor under Section
5747 [67-1a-6.5](#).

5748 (3) (a) The state auditor shall send a deficiency notice in accordance with Subsection
5749 (3)(c) if:

5750 (i) a [local] special district fails to deliver a certification in accordance with Subsection
5751 (2); or

5752 (ii) the state auditor determines that, subject to Subsection (3)(b), a [local] special
5753 district created after January 1, 2005, and before May 15, 2013, is not engaged in an activity,
5754 service, or duty required under Subsection (1) within five years after the date on which the
5755 [local] special district is created as reflected in the certificate of incorporation issued by the
5756 lieutenant governor under Section [67-1a-6.5](#) or thereafter.

5757 (b) The state auditor shall make a determination described in Subsection (3)(a)(ii)
5758 based on:

5759 (i) the [local] special district's failure to file a required annual financial report with the
5760 state auditor in accordance with Section [17B-1-639](#); or

5761 (ii) subject to Subsection (7), other credible information related to Subsection (1).

5762 (c) (i) The state auditor shall send the deficiency notice to the [local] special district

5763 and the Utah Association of Special Districts.

5764 (ii) The deficiency notice shall state that the [local] special district is required to file
5765 with the state auditor a written certification:

5766 (A) declaring that the district was and continues to be engaged in an activity, service,
5767 or duty described in Subsection (1) prior to the date of the deficiency notice; and

5768 (B) identifying the activity, service, or duty in which the [local] special district is
5769 engaged.

5770 (4) If within four months of receiving a deficiency notice, a [local] special district fails
5771 to file a written certification with the state auditor in accordance with Subsection (2) or
5772 (3)(c)(ii), the state auditor shall, in writing:

5773 (a) notify the lieutenant governor that the [local] special district has failed to meet the
5774 requirements of this section and specify the reason for the district's failure; and

5775 (b) request that the lieutenant governor dissolve the [local] special district in
5776 accordance with Subsections (5) and (6).

5777 (5) If the lieutenant governor receives a request to dissolve a [local] special district
5778 from the state auditor in accordance with Subsection (4), the lieutenant governor shall:

5779 (a) issue a certification of dissolution under Section 67-1a-6.5; and

5780 (b) send a copy of the certification of dissolution to:

5781 (i) the state auditor;

5782 (ii) the State Tax Commission;

5783 (iii) the recorder of the county in which the [local] special district is located, or, if the
5784 [local] special district is located in more than one county, the recorder of each county in which
5785 the [local] special district is located;

5786 (iv) the last known address of the [local] special district; and

5787 (v) the Utah Association of Special Districts.

5788 (6) A [local] special district identified in a certification of dissolution is dissolved:

5789 (a) upon recordation of the certification by the county recorder; or

5790 (b) if the [local] special district is located within more than one county, upon
5791 recordation of the certification by the county recorder of the last county to record.

5792 (7) Notwithstanding any other provision of law, a [local] special district shall be
5793 conclusively presumed to have been lawfully created, existing, and active if for two years

5794 following the district's creation under Subsection 17B-1-215(4):

5795 (a) the district has:

5796 (i) levied and collected a tax; or

5797 (ii) collected a fee, charge, or assessment for a commodity, service, facility, or

5798 improvement provided by the district; and

5799 (b) no challenge has been filed in court to the existence or creation of the district.

5800 Section 94. Section 17B-1-301 is amended to read:

5801 **17B-1-301. Board of trustees duties and powers.**

5802 (1) (a) Each [local] special district shall be governed by a board of trustees which shall
5803 manage and conduct the business and affairs of the district and shall determine all questions of
5804 district policy.

5805 (b) All powers of a [local] special district are exercised through the board of trustees.

5806 (2) The board of trustees may:

5807 (a) fix the location of the [local] special district's principal place of business and the
5808 location of all offices and departments, if any;

5809 (b) fix the times of meetings of the board of trustees;

5810 (c) select and use an official district seal;

5811 (d) subject to Subsections (3) and (4), employ employees and agents, or delegate to
5812 district officers power to employ employees and agents, for the operation of the [local] special
5813 district and its properties and prescribe or delegate to district officers the power to prescribe the
5814 duties, compensation, and terms and conditions of employment of those employees and agents;

5815 (e) require district officers and employees charged with the handling of district funds to
5816 provide surety bonds in an amount set by the board or provide a blanket surety bond to cover
5817 officers and employees;

5818 (f) contract for or employ professionals to perform work or services for the [local]
5819 special district that cannot satisfactorily be performed by the officers or employees of the
5820 district;

5821 (g) through counsel, prosecute on behalf of or defend the [local] special district in all
5822 court actions or other proceedings in which the district is a party or is otherwise involved;

5823 (h) adopt bylaws for the orderly functioning of the board;

5824 (i) adopt and enforce rules and regulations for the orderly operation of the [local]

5825 special district or for carrying out the district's purposes;

5826 (j) prescribe a system of civil service for district employees;

5827 (k) on behalf of the [local] special district, enter into contracts that the board considers
5828 to be for the benefit of the district;

5829 (l) acquire, construct or cause to be constructed, operate, occupy, control, and use
5830 buildings, works, or other facilities for carrying out the purposes of the [local] special district;

5831 (m) on behalf of the [local] special district, acquire, use, hold, manage, occupy, and
5832 possess property necessary to carry out the purposes of the district, dispose of property when
5833 the board considers it appropriate, and institute and maintain in the name of the district any
5834 action or proceeding to enforce, maintain, protect, or preserve rights or privileges associated
5835 with district property;

5836 (n) delegate to a district officer the exercise of a district duty; and

5837 (o) exercise all powers and perform all functions in the operation of the [local] special
5838 district and its properties as are ordinarily exercised by the governing body of a political
5839 subdivision of the state and as are necessary to accomplish the purposes of the district.

5840 (3) (a) As used in this Subsection (3), "interim vacancy period" means:

5841 (i) if any member of the [local] special district board is elected, the period of time that:

5842 (A) begins on the day on which an election is held to elect a [local] special district
5843 board member; and

5844 (B) ends on the day on which the [local] special district board member-elect begins the
5845 member's term; or

5846 (ii) if any member of the [local] special district board is appointed, the period of time
5847 that:

5848 (A) begins on the day on which an appointing authority posts a notice of vacancy in
5849 accordance with Section 17B-1-304; and

5850 (B) ends on the day on which the person who is appointed by the [local] special district
5851 board to fill the vacancy begins the person's term.

5852 (b) (i) The [local] special district may not hire during an interim vacancy period a
5853 manager, a chief executive officer, a chief administrative officer, an executive director, or a
5854 similar position to perform executive and administrative duties or functions.

5855 (ii) Notwithstanding Subsection (3)(b)(i):

5856 (A) the [local] special district may hire an interim manager, a chief executive officer, a
5857 chief administrative officer, an executive director, or a similar position during an interim
5858 vacancy period; and

5859 (B) the interim manager's, chief executive officer's, chief administrative officer's, or
5860 similar position's employment shall terminate once a new manager, chief executive officer,
5861 chief administrative officer, or similar position is hired by the new [local] special district board
5862 after the interim vacancy period has ended.

5863 (c) Subsection (3)(b) does not apply if:

5864 (i) all the elected [local] special district board members who held office on the day of
5865 the election for the [local] special district board members, whose term of office was vacant for
5866 the election are re-elected to the [local] special district board; and

5867 (ii) all the appointed [local] special district board members who were appointed whose
5868 term of appointment was expiring are re-appointed to the [local] special district board.

5869 (4) A [local] special district board that hires an interim manager, a chief executive
5870 officer, a chief administrative officer, an executive director, or a similar position in accordance
5871 with this section may not, on or after May 10, 2011, enter into an employment contract that
5872 contains an automatic renewal provision with the interim manager, chief executive officer,
5873 chief administrative officer, executive director, or similar position.

5874 Section 95. Section **17B-1-302** is amended to read:

5875 **17B-1-302. Board member qualifications -- Number of board members.**

5876 (1) Except as provided in Section **17B-2a-905**, each member of a [local] special district
5877 board of trustees shall be:

5878 (a) a registered voter at the location of the member's residence; and

5879 (b) except as otherwise provided in Subsection (2) or (3), a resident within:

5880 (i) the boundaries of the [local] special district; and

5881 (ii) if applicable, the boundaries of the division of the [local] special district from
5882 which the member is elected or appointed.

5883 (2) (a) As used in this Subsection (2):

5884 (i) "Proportional number" means the number of members of a board of trustees that
5885 bears, as close as mathematically possible, the same proportion to all members of the board that
5886 the number of seasonally occupied homes bears to all residences within the district that receive

5887 service from the district.

5888 (ii) "Seasonally occupied home" means a single-family residence:

5889 (A) that is located within the ~~[local]~~ special district;

5890 (B) that receives service from the ~~[local]~~ special district; and

5891 (C) whose owner does not reside permanently at the residence but may occupy the
5892 residence on a temporary or seasonal basis.

5893 (b) If over 50% of the residences within a ~~[local]~~ special district that receive service
5894 from the ~~[local]~~ special district are seasonally occupied homes, the requirement under
5895 Subsection (1)(b) is replaced, for a proportional number of members of the board of trustees,
5896 with the requirement that the member be an owner of land, or an agent or officer of the owner
5897 of land, that:

5898 (i) receives service from the district; and

5899 (ii) is located within the ~~[local]~~ special district and, if applicable, the division from
5900 which the member is elected.

5901 (3) (a) For a board of trustees member in a basic ~~[local]~~ special district, or in any other
5902 type of ~~[local]~~ special district that is located solely within a county of the fifth or sixth class,
5903 that has within the district's boundaries fewer than one residential dwelling unit per 10 acres of
5904 land, the requirement under Subsection (1)(b) may be replaced by the requirement that the
5905 member be an owner of land within the ~~[local]~~ special district that receives service from the
5906 district, or an agent or officer of the owner.

5907 (b) A member of the board of trustees of a service area described in Subsection
5908 [17B-2a-905\(2\)\(a\)](#) or (3)(a), who is an elected official of the county appointing the individual, is
5909 not subject to the requirements described in Subsection (1)(b) if the elected official was elected
5910 at large by the voters of the county.

5911 (c) Notwithstanding Subsection (1)(b) and except as provided in Subsection (3)(d), the
5912 county legislative body may appoint to the ~~[local]~~ special district board one of the county
5913 legislative body's own members, regardless of whether the member resides within the
5914 boundaries described in Subsection (1)(b), if:

5915 (i) the county legislative body satisfies the procedures to fill a vacancy described in:

5916 (A) for the appointment of a new board member, Subsections [17B-1-304\(2\)](#) and (3); or

5917 (B) for an appointment to fill a midterm vacancy, Subsection [20A-1-512\(1\)\(a\)\(ii\)](#) or

5918 20A-1-512(2);

5919 (ii) fewer qualified candidates timely file to be considered for appointment to the
5920 [local] special district board than are necessary to fill the board;

5921 (iii) the county legislative body appoints each of the qualified candidates who timely
5922 filed to be considered for appointment to the board; and

5923 (iv) the county legislative body appoints a member of the body to the [local] special
5924 district board, in accordance with Subsection 17B-1-304(6) or Subsection 20A-1-512(1)(c),
5925 who was:

5926 (A) elected at large by the voters of the county;

5927 (B) elected from a division of the county that includes more than 50% of the
5928 geographic area of the [local] special district; or

5929 (C) if the [local] special district is divided into divisions under Section 17B-1-306.5,
5930 elected from a division of the county that includes more than 50% of the geographic area of the
5931 division of the [local] special district in which there is a board vacancy.

5932 (d) If it is necessary to reconstitute the board of trustees of a [local] special district
5933 located solely within a county of the fifth or sixth class because the term of a majority of the
5934 members of the board has expired without new trustees having been elected or appointed as
5935 required by law, even if sufficient qualified candidates timely file to be considered for a
5936 vacancy on the board, the county legislative body may appoint to the [local] special district
5937 board no more than one of the county legislative body's own members who does not satisfy the
5938 requirements of Subsection (1).

5939 (4) (a) Except as otherwise provided by statute, the number of members of each board
5940 of trustees of a [local] special district that has nine or fewer members shall have an odd number
5941 of members that is no fewer than three.

5942 (b) If a board of trustees of a [local] special district has more than nine members, the
5943 number of members may be odd or even.

5944 (5) For a newly created [local] special district, the number of members of the initial
5945 board of trustees shall be the number specified:

5946 (a) for a [local] special district whose creation was initiated by a petition under
5947 Subsection 17B-1-203(1)(a), (b), or (c), in the petition; or

5948 (b) for a [local] special district whose creation was initiated by a resolution under

5949 Subsection 17B-1-203(1)(d) or (e), in the resolution.

5950 (6) (a) For an existing [~~local~~] special district, the number of members of the board of
5951 trustees may be changed by a two-thirds vote of the board of trustees.

5952 (b) No change in the number of members of a board of trustees under Subsection (6)(a)
5953 may:

5954 (i) violate Subsection (4); or

5955 (ii) serve to shorten the term of any member of the board.

5956 Section 96. Section 17B-1-303 is amended to read:

5957 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice**
5958 **of board member contact information.**

5959 (1) (a) Except as provided in Subsections (1)(b), (c), (d), and (e), the term of each
5960 member of a board of trustees begins at noon on the January 1 following the member's election
5961 or appointment.

5962 (b) The term of each member of the initial board of trustees of a newly created [~~local~~]
5963 special district begins:

5964 (i) upon appointment, for an appointed member; and

5965 (ii) upon the member taking the oath of office after the canvass of the election at which
5966 the member is elected, for an elected member.

5967 (c) The term of each water conservancy district board member whom the governor
5968 appoints in accordance with Subsection 17B-2a-1005(2)(c):

5969 (i) begins on the later of the following:

5970 (A) the date on which the Senate consents to the appointment; or

5971 (B) the expiration date of the prior term; and

5972 (ii) ends on the February 1 that is approximately four years after the date described in
5973 Subsection (1)(c)(i)(A) or (B).

5974 (d) The term of a member of a board of trustees whom an appointing authority appoints
5975 in accordance with Subsection (5)(b) begins upon the member taking the oath of office.

5976 (e) If the member of the board of trustees fails to assume or qualify for office on
5977 January 1 for any reason, the term begins on the date the member assumes or qualifies for
5978 office.

5979 (2) (a) (i) Except as provided in Subsection (8), and subject to Subsections (2)(a)(ii)

5980 and (iii), the term of each member of a board of trustees is four years, except that
5981 approximately half the members of the initial board of trustees, chosen by lot, shall serve a
5982 two-year term so that the term of approximately half the board members expires every two
5983 years.

5984 (ii) If the terms of members of the initial board of trustees of a newly created [~~local~~
5985 special district do not begin on January 1 because of application of Subsection (1)(b), the terms
5986 of those members shall be adjusted as necessary, subject to Subsection (2)(a)(iii), to result in
5987 the terms of their successors complying with:

5988 (A) the requirement under Subsection (1)(a) for a term to begin on January 1 following
5989 a member's election or appointment; and

5990 (B) the requirement under Subsection (2)(a)(i) that terms be four years.

5991 (iii) If the term of a member of a board of trustees does not begin on January 1 because
5992 of the application of Subsection (1)(e), the term is shortened as necessary to result in the term
5993 complying with the requirement under Subsection (1)(a) that the successor member's term,
5994 regardless of whether the incumbent is the successor, begins at noon on January 1 following the
5995 successor member's election or appointment.

5996 (iv) An adjustment under Subsection (2)(a)(ii) may not add more than a year to or
5997 subtract more than a year from a member's term.

5998 (b) Each board of trustees member shall serve until a successor is duly elected or
5999 appointed and qualified, unless the member earlier is removed from office or resigns or
6000 otherwise leaves office.

6001 (c) If a member of a board of trustees no longer meets the qualifications of Subsection
6002 [17B-1-302](#)(1), (2), or (3), or if the member's term expires without a duly elected or appointed
6003 successor:

6004 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

6005 (ii) the member may continue to serve until a successor is duly elected or appointed
6006 and qualified.

6007 (3) (a) (i) Before entering upon the duties of office, each member of a board of trustees
6008 shall take the oath of office specified in Utah Constitution, Article IV, Section 10.

6009 (ii) A judge, county clerk, notary public, or the [~~local~~ special district clerk may
6010 administer an oath of office.

6011 (b) The member of the board of trustees taking the oath of office shall file the oath of
6012 office with the clerk of the [local] special district.

6013 (c) The failure of a board of trustees member to take the oath under Subsection (3)(a)
6014 does not invalidate any official act of that member.

6015 (4) A board of trustees member may serve any number of terms.

6016 (5) (a) Except as provided in Subsection (6), each midterm vacancy in a board of
6017 trustees position is filled in accordance with Section 20A-1-512.

6018 (b) When the number of members of a board of trustees increases in accordance with
6019 Subsection 17B-1-302(6), the appointing authority may appoint an individual to fill a new
6020 board of trustees position in accordance with Section 17B-1-304 or 20A-1-512.

6021 (6) (a) For purposes of this Subsection (6):

6022 (i) "Appointed official" means a person who:

6023 (A) is appointed as a member of a [local] special district board of trustees by a county
6024 or municipality that is entitled to appoint a member to the board; and

6025 (B) holds an elected position with the appointing county or municipality.

6026 (ii) "Appointing entity" means the county or municipality that appointed the appointed
6027 official to the board of trustees.

6028 (b) The board of trustees shall declare a midterm vacancy for the board position held
6029 by an appointed official if:

6030 (i) during the appointed official's term on the board of trustees, the appointed official
6031 ceases to hold the elected position with the appointing entity; and

6032 (ii) the appointing entity submits a written request to the board to declare the vacancy.

6033 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the
6034 appointing entity shall appoint another person to fill the remaining unexpired term on the board
6035 of trustees.

6036 (7) (a) Each member of a board of trustees shall give a bond for the faithful
6037 performance of the member's duties, in the amount and with the sureties that the board of
6038 trustees prescribes.

6039 (b) The [local] special district shall pay the cost of each bond required under
6040 Subsection (7)(a).

6041 (8) (a) The lieutenant governor may extend the term of an elected district board

6042 member by one year in order to compensate for a change in the election year under Subsection
6043 17B-1-306(14).

6044 (b) When the number of members of a board of trustees increases in accordance with
6045 Subsection 17B-1-302(6), to ensure that the term of approximately half of the board members
6046 expires every two years in accordance with Subsection (2)(a):

6047 (i) the board shall set shorter terms for approximately half of the new board members,
6048 chosen by lot; and

6049 (ii) the initial term of a new board member position may be less than two or four years.

6050 (9) (a) A ~~local~~ special district shall:

6051 (i) post on the Utah Public Notice Website created in Section 63A-16-601 the name,
6052 phone number, and email address of each member of the ~~local~~ special district's board of
6053 trustees;

6054 (ii) update the information described in Subsection (9)(a)(i) when:

6055 (A) the membership of the board of trustees changes; or

6056 (B) a member of the board of trustees' phone number or email address changes; and

6057 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the date
6058 on which the change requiring the update occurs.

6059 (b) This Subsection (9) applies regardless of whether the county or municipal
6060 legislative body also serves as the board of trustees of the ~~local~~ special district.

6061 Section 97. Section 17B-1-304 is amended to read:

6062 **17B-1-304. Appointment procedures for appointed members.**

6063 (1) The appointing authority may, by resolution, appoint persons to serve as members
6064 of a ~~local~~ special district board by following the procedures established by this section.

6065 (2) (a) In any calendar year when appointment of a new ~~local~~ special district board
6066 member is required, the appointing authority shall prepare a notice of vacancy that contains:

6067 (i) the positions that are vacant that shall be filled by appointment;

6068 (ii) the qualifications required to be appointed to those positions;

6069 (iii) the procedures for appointment that the governing body will follow in making
6070 those appointments; and

6071 (iv) the person to be contacted and any deadlines that a person shall meet who wishes
6072 to be considered for appointment to those positions.

6073 (b) The appointing authority shall:

6074 (i) post the notice of vacancy in four public places within the [local] special district at
6075 least one month before the deadline for accepting nominees for appointment; and

6076 (ii) post the notice of vacancy on the Utah Public Notice Website, created in Section
6077 63A-16-601, for five days before the deadline for accepting nominees for appointment.

6078 (c) The appointing authority may bill the [local] special district for the cost of
6079 preparing, printing, and publishing the notice.

6080 (3) (a) Not sooner than two months after the appointing authority is notified of the
6081 vacancy, the appointing authority shall select a person to fill the vacancy from the applicants
6082 who meet the qualifications established by law.

6083 (b) The appointing authority shall:

6084 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act, in making the
6085 appointment;

6086 (ii) allow any interested persons to be heard; and

6087 (iii) adopt a resolution appointing a person to the [local] special district board.

6088 (c) If no candidate for appointment to fill the vacancy receives a majority vote of the
6089 appointing authority, the appointing authority shall select the appointee from the two top
6090 candidates by lot.

6091 (4) Persons appointed to serve as members of the [local] special district board serve
6092 four-year terms, but may be removed for cause at any time after a hearing by two-thirds vote of
6093 the appointing body.

6094 (5) (a) At the end of each board member's term, the position is considered vacant, and,
6095 after following the appointment procedures established in this section, the appointing authority
6096 may either reappoint the incumbent board member or appoint a new member.

6097 (b) Notwithstanding Subsection (5)(a), a board member may continue to serve until a
6098 successor is elected or appointed and qualified in accordance with Subsection 17B-1-303(2)(b).

6099 (6) Notwithstanding any other provision of this section, if the appointing authority
6100 appoints one of its own members and that member meets all applicable statutory board member
6101 qualifications, the appointing authority need not comply with Subsection (2) or (3).

6102 Section 98. Section 17B-1-305 is amended to read:

6103 **17B-1-305. Notice of offices to be filled.**

6104 On or before February 1 of each election year in which board members of a [local]
6105 special district are elected, the board of each [local] special district required to participate in an
6106 election that year shall prepare and transmit to the clerk of each county in which any part of the
6107 district is located a written notice that:

- 6108 (1) designates the offices to be filled at that year's election; and
- 6109 (2) identifies the dates for filing a declaration of candidacy for those offices.

6110 Section 99. Section **17B-1-306** is amended to read:

6111 **17B-1-306. Special district board -- Election procedures.**

6112 (1) Except as provided in Subsection (12), each elected board member shall be selected
6113 as provided in this section.

6114 (2) (a) Each election of a [local] special district board member shall be held:

6115 (i) at the same time as the municipal general election or the regular general election, as
6116 applicable; and

6117 (ii) at polling places designated by the [local] special district board in consultation with
6118 the county clerk for each county in which the [local] special district is located, which polling
6119 places shall coincide with municipal general election or regular general election polling places,
6120 as applicable, whenever feasible.

6121 (b) The [local] special district board, in consultation with the county clerk, may
6122 consolidate two or more polling places to enable voters from more than one district to vote at
6123 one consolidated polling place.

6124 (c) (i) Subject to Subsections (5)(h) and (i), the number of polling places under
6125 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
6126 polling place per division of the district, designated by the district board.

6127 (ii) Each polling place designated by an irrigation district board under Subsection
6128 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection
6129 (2)(a)(ii).

6130 (3) The clerk of each [local] special district with a board member position to be filled
6131 at the next municipal general election or regular general election, as applicable, shall provide
6132 notice of:

6133 (a) each elective position of the [local] special district to be filled at the next municipal
6134 general election or regular general election, as applicable;

6135 (b) the constitutional and statutory qualifications for each position; and

6136 (c) the dates and times for filing a declaration of candidacy.

6137 (4) The clerk of the [local] special district shall publish the notice described in
6138 Subsection (3):

6139 (a) by posting the notice on the Utah Public Notice Website created in Section
6140 [63A-16-601](#), for 10 days before the first day for filing a declaration of candidacy; and

6141 (b) by posting the notice in at least five public places within the [local] special district
6142 at least 10 days before the first day for filing a declaration of candidacy; and

6143 (c) if the [local] special district has a website, on the [local] special district's website
6144 for 10 days before the first day for filing a declaration of candidacy.

6145 (5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective
6146 [local] special district board position, an individual shall file a declaration of candidacy in
6147 person with an official designated by the [local] special district, during office hours, within the
6148 candidate filing period for the applicable election year in which the election for the [local]
6149 special district board is held.

6150 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the
6151 filing time shall be extended until the close of normal office hours on the following regular
6152 business day.

6153 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a
6154 declaration of candidacy with the official designated by the [local] special district if:

6155 (i) the individual is located outside of the state during the entire filing period;

6156 (ii) the designated agent appears in person before the official designated by the [local]
6157 special district; and

6158 (iii) the individual communicates with the official designated by the [local] special
6159 district using an electronic device that allows the individual and official to see and hear each
6160 other.

6161 (d) (i) Before the filing officer may accept any declaration of candidacy from an
6162 individual, the filing officer shall:

6163 (A) read to the individual the constitutional and statutory qualification requirements for
6164 the office that the individual is seeking; and

6165 (B) require the individual to state whether the individual meets those requirements.

6166 (ii) If the individual does not meet the qualification requirements for the office, the
6167 filing officer may not accept the individual's declaration of candidacy.

6168 (iii) If it appears that the individual meets the requirements of candidacy, the filing
6169 officer shall accept the individual's declaration of candidacy.

6170 (e) The declaration of candidacy shall be in substantially the following form:

6171 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
6172 _____, City of _____, County of _____, state of Utah, (Zip
6173 Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the
6174 office of board of trustees member for _____ (state the name of the
6175 [~~local~~] special district); that I am a candidate for that office to be voted upon at the next
6176 election; and that, if filing via a designated agent, I will be out of the state of Utah during the
6177 entire candidate filing period, and I hereby request that my name be printed upon the official
6178 ballot for that election.

6179 (Signed) _____

6180 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
6181 of _____, _____.

6182 (Signed) _____

6183 (Clerk or Notary Public)".

6184 (f) An agent designated under Subsection (5)(c) may not sign the form described in
6185 Subsection (5)(e).

6186 (g) Each individual wishing to become a valid write-in candidate for an elective [~~local~~]
6187 special district board position is governed by Section [20A-9-601](#).

6188 (h) If at least one individual does not file a declaration of candidacy as required by this
6189 section, an individual shall be appointed to fill that board position in accordance with the
6190 appointment provisions of Section [20A-1-512](#).

6191 (i) If only one candidate files a declaration of candidacy and there is no write-in
6192 candidate who complies with Section [20A-9-601](#), the board, in accordance with Section
6193 [20A-1-206](#), may:

6194 (i) consider the candidate to be elected to the position; and

6195 (ii) cancel the election.

6196 (6) (a) A primary election may be held if:

- 6197 (i) the election is authorized by the [local] special district board; and
6198 (ii) the number of candidates for a particular [local] special board position or office
6199 exceeds twice the number of persons needed to fill that position or office.
- 6200 (b) The primary election shall be conducted:
- 6201 (i) on the same date as the municipal primary election or the regular primary election,
6202 as applicable; and
- 6203 (ii) according to the procedures for primary elections provided under Title 20A,
6204 Election Code.
- 6205 (7) (a) Except as provided in Subsection (7)(c), within one business day after the
6206 deadline for filing a declaration of candidacy, the [local] special district clerk shall certify the
6207 candidate names to the clerk of each county in which the [local] special district is located.
- 6208 (b) (i) Except as provided in Subsection (7)(c) and in accordance with Section
6209 20A-6-305, the clerk of each county in which the [local] special district is located and the
6210 [local] special district clerk shall coordinate the placement of the name of each candidate for
6211 [local] special district office in the nonpartisan section of the ballot with the appropriate
6212 election officer.
- 6213 (ii) If consolidation of the [local] special district election ballot with the municipal
6214 general election ballot or the regular general election ballot, as applicable, is not feasible, the
6215 [local] special district board of trustees, in consultation with the county clerk, shall provide for
6216 a separate [local] special district election ballot to be administered by poll workers at polling
6217 locations designated under Subsection (2).
- 6218 (c) (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board
6219 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.
- 6220 (ii) (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall
6221 prescribe the form of the ballot for each board member election.
- 6222 (B) Each ballot for an election of an irrigation district board member shall be in a
6223 nonpartisan format.
- 6224 (C) The name of each candidate shall be placed on the ballot in the order specified
6225 under Section 20A-6-305.
- 6226 (8) (a) Each voter at an election for a board of trustees member of a [local] special
6227 district shall:

- 6228 (i) be a registered voter within the district, except for an election of:
- 6229 (A) an irrigation district board of trustees member; or
- 6230 (B) a basic ~~[local]~~ special district board of trustees member who is elected by property
- 6231 owners; and
- 6232 (ii) meet the requirements to vote established by the district.
- 6233 (b) Each voter may vote for as many candidates as there are offices to be filled.
- 6234 (c) The candidates who receive the highest number of votes are elected.
- 6235 (9) Except as otherwise provided by this section, the election of ~~[local]~~ special district
- 6236 board members is governed by Title 20A, Election Code.
- 6237 (10) (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a
- 6238 ~~[local]~~ special district board shall serve a four-year term, beginning at noon on the January 1
- 6239 after the person's election.
- 6240 (b) A person elected shall be sworn in as soon as practical after January 1.
- 6241 (11) (a) Except as provided in Subsection (11)(b), each ~~[local]~~ special district shall
- 6242 reimburse the county or municipality holding an election under this section for the costs of the
- 6243 election attributable to that ~~[local]~~ special district.
- 6244 (b) Each irrigation district shall bear the district's own costs of each election the district
- 6245 holds under this section.
- 6246 (12) This section does not apply to an improvement district that provides electric or gas
- 6247 service.
- 6248 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A,
- 6249 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.
- 6250 (14) (a) As used in this Subsection (14), "board" means:
- 6251 (i) a ~~[local]~~ special district board; or
- 6252 (ii) the administrative control board of a special service district that has elected
- 6253 members on the board.
- 6254 (b) A board may hold elections for membership on the board at a regular general
- 6255 election instead of a municipal general election if the board submits an application to the
- 6256 lieutenant governor that:
- 6257 (i) requests permission to hold elections for membership on the board at a regular
- 6258 general election instead of a municipal general election; and

6259 (ii) indicates that holding elections at the time of the regular general election is
6260 beneficial, based on potential cost savings, a potential increase in voter turnout, or another
6261 material reason.

6262 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant
6263 governor may approve the application if the lieutenant governor concludes that holding the
6264 elections at the regular general election is beneficial based on the criteria described in
6265 Subsection (14)(b)(ii).

6266 (d) If the lieutenant governor approves a board's application described in this section:

6267 (i) all future elections for membership on the board shall be held at the time of the
6268 regular general election; and

6269 (ii) the board may not hold elections at the time of a municipal general election unless
6270 the board receives permission from the lieutenant governor to hold all future elections for
6271 membership on the board at a municipal general election instead of a regular general election,
6272 under the same procedure, and by applying the same criteria, described in this Subsection (14).

6273 (15) (a) This Subsection (15) applies to a ~~local~~ special district if:

6274 (i) the ~~local~~ special district's board members are elected by the owners of real
6275 property, as provided in Subsection 17B-1-1402(1)(b); and

6276 (ii) the ~~local~~ special district was created before January 1, 2020.

6277 (b) The board of a ~~local~~ special district described in Subsection (15)(a) may conduct
6278 an election:

6279 (i) to fill a board member position that expires at the end of the term for that board
6280 member's position; and

6281 (ii) notwithstanding Subsection 20A-1-512(1)(a)(i), to fill a vacancy in an unexpired
6282 term of a board member.

6283 (c) An election under Subsection (15)(b) may be conducted as determined by the
6284 ~~local~~ special district board, subject to Subsection (15)(d).

6285 (d) (i) The ~~local~~ special district board shall provide to property owners eligible to
6286 vote at the ~~local~~ special district election:

6287 (A) notice of the election; and

6288 (B) a form to nominate an eligible individual to be elected as a board member.

6289 (ii) (A) The ~~local~~ special district board may establish a deadline for a property owner

6290 to submit a nomination form.

6291 (B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days after
6292 the board provides the notice and nomination form under Subsection (15)(d)(i).

6293 (iii) (A) After the deadline for submitting nomination forms, the [toeat] special district
6294 board shall provide a ballot to all property owners eligible to vote at the [toeat] special district
6295 election.

6296 (B) A [toeat] special district board shall allow at least five days for ballots to be
6297 returned.

6298 (iv) A [toeat] special district board shall certify the results of an election under this
6299 Subsection (15) during an open meeting of the board.

6300 Section 100. Section **17B-1-306.5** is amended to read:

6301 **17B-1-306.5. Dividing a special district into divisions.**

6302 (1) Subject to Subsection (3), the board of trustees of a [toeat] special district that has
6303 elected board members may, upon a vote of two-thirds of the members of the board, divide the
6304 [toeat] special district, or the portion of the [toeat] special district represented by elected board
6305 of trustees members, into divisions so that some or all of the elected members of the board of
6306 trustees may be elected by division rather than at large.

6307 (2) Subject to Subsection (3), the appointing authority of a [toeat] special district that
6308 has appointed board members may, upon a vote of two-thirds of the members of the appointing
6309 authority, divide the [toeat] special district, or the portion of the [toeat] special district
6310 represented by appointed board members, into divisions so that some or all of the appointed
6311 members of the board of trustees may be appointed by division rather than at large.

6312 (3) Before dividing a [toeat] special district into divisions or before changing the
6313 boundaries of divisions already established, the board of trustees under Subsection (1), or the
6314 appointing authority, under Subsection (2), shall:

6315 (a) prepare a proposal that describes the boundaries of the proposed divisions; and

6316 (b) hold a public hearing at which any interested person may appear and speak for or
6317 against the proposal.

6318 (4) (a) The board of trustees or the appointing authority shall review the division
6319 boundaries at least every 10 years.

6320 (b) Except for changes in the divisions necessitated by annexations to or withdrawals

6321 from the [local] special district, the boundaries of divisions established under Subsection (1) or
6322 (2) may not be changed more often than every five years.

6323 (c) Changes to the boundaries of divisions already established under Subsection (1) or
6324 (2) are not subject to the two-thirds vote requirement of Subsection (1) or (2).

6325 Section 101. Section **17B-1-307** is amended to read:

6326 **17B-1-307. Annual compensation -- Per diem compensation -- Participation in**
6327 **group insurance plan -- Reimbursement of expenses.**

6328 (1) (a) Except as provided in Subsection **17B-1-308**(1)(e), a member of a board of
6329 trustees may receive compensation for service on the board, as determined by the board of
6330 trustees.

6331 (b) The amount of compensation under this Subsection (1) may not exceed \$5,000 per
6332 year.

6333 (c) (i) As determined by the board of trustees, a member of the board of trustees may
6334 participate in a group insurance plan provided to employees of the [local] special district on the
6335 same basis as employees of the [local] special district.

6336 (ii) The amount that the [local] special district pays to provide a member with coverage
6337 under a group insurance plan shall be included as part of the member's compensation for
6338 purposes of Subsection (1)(b).

6339 (d) The amount that a [local] special district pays employer-matching employment
6340 taxes, if a member of the board of trustees is treated as an employee for federal tax purposes,
6341 does not constitute compensation under Subsection (1).

6342 (2) In addition to the compensation provided under Subsection (1), the board of
6343 trustees may elect to allow a member to receive per diem and travel expenses for up to 12
6344 meetings or activities per year in accordance with Section **11-55-103**.

6345 Section 102. Section **17B-1-308** is amended to read:

6346 **17B-1-308. Boards of trustees composed of county or municipal legislative body**
6347 **members.**

6348 (1) If a county or municipal legislative body also serves as the board of trustees of a
6349 [local] special district:

6350 (a) the board of trustees shall hold district meetings and keep district minutes,
6351 accounts, and other records separate from those of the county or municipality;

6352 (b) subject to Subsection (2), the board of trustees may use, respectively, existing
6353 county or municipal facilities and personnel for district purposes;

6354 (c) notwithstanding Subsections 17B-1-303(1) and (2), the term of office of each board
6355 of trustees member coincides with the member's term as a county or municipal legislative body
6356 member;

6357 (d) each board of trustees member represents the district at large; and

6358 (e) board members may not receive compensation for service as board members in
6359 addition to compensation the board members receive as members of a county or municipal
6360 legislative body.

6361 (2) The county or municipal legislative body, as the case may be, shall charge the
6362 [~~local~~] special district, and the [~~local~~] special district shall pay to the county or municipality, a
6363 reasonable amount for:

6364 (a) the county or municipal facilities that the district uses; and

6365 (b) except for services that the county or municipal legislative body members render,
6366 the services that the county or municipality renders to the [~~local~~] special district.

6367 Section 103. Section 17B-1-310 is amended to read:

6368 **17B-1-310. Quorum of board of trustees -- Meetings of the board.**

6369 (1) (a) (i) Except as provided in Subsection (1)(b), a majority of the board of trustees
6370 constitutes a quorum for the transaction of board business, and action by a majority of a
6371 quorum constitutes action of the board.

6372 (ii) Except as otherwise required by law, an otherwise valid action of the board is not
6373 made invalid because of the method chosen by the board to take or memorialize the action.

6374 (b) (i) Subject to Subsection (1)(b)(ii), a board may adopt bylaws or other rules that
6375 require more than a majority to constitute a quorum or that require action by more than a
6376 majority of a quorum to constitute action by the board.

6377 (ii) A board with five or more members may not adopt bylaws or rules that require a
6378 vote of more than two-thirds of the board to constitute board action except for a board action to
6379 dispose of real property owned by the [~~local~~] special district.

6380 (2) The board of trustees shall hold such regular and special meetings as the board
6381 determines at a location that the board determines.

6382 (3) (a) Each meeting of the board of trustees shall comply with Title 52, Chapter 4,

6383 Open and Public Meetings Act.

6384 (b) Subject to Subsection (3)(c), a board of trustees shall:

6385 (i) adopt rules of order and procedure to govern a public meeting of the board of
6386 trustees;

6387 (ii) conduct a public meeting in accordance with the rules of order and procedure
6388 described in Subsection (3)(b)(i); and

6389 (iii) make the rules of order and procedure described in Subsection (3)(b)(i) available
6390 to the public:

6391 (A) at each meeting of the board of trustees; and

6392 (B) on the [local] special district's public website, if available.

6393 (c) Subsection (3)(b) does not affect the board of trustees' duty to comply with Title 52,
6394 Chapter 4, Open and Public Meetings Act.

6395 Section 104. Section 17B-1-311 is amended to read:

6396 **17B-1-311. Board member prohibited from district employment -- Exception.**

6397 (1) No elected or appointed member of the board of trustees of a [local] special district
6398 may, while serving on the board, be employed by the special district, whether as an employee
6399 or under a contract.

6400 (2) No person employed by a [local] special district, whether as an employee or under a
6401 contract, may serve on the board of that [local] special district.

6402 (3) A [local] special district is not in violation of a prohibition described in Subsection
6403 (1) or (2) if the [local] special district:

6404 (a) treats a member of a board of trustees as an employee for income tax purposes; and

6405 (b) complies with the compensation limits of Section 17B-1-307 for purposes of that
6406 member.

6407 (4) This section does not apply to a [local] special district if:

6408 (a) fewer than 3,000 people in the state live within 40 miles of the [local] special
6409 district's boundaries or primary place of employment, measured over all weather public roads;
6410 and

6411 (b) with respect to the employment of a board of trustees member under Subsection
6412 (1):

6413 (i) the job opening has had reasonable public notice; and

6414 (ii) the person employed is the best qualified candidate for the position.

6415 (5) This section does not apply to a board of trustees of a large public transit district as
6416 described in Chapter 2a, Part 8, Public Transit District Act.

6417 Section 105. Section **17B-1-312** is amended to read:

6418 **17B-1-312. Training for board members.**

6419 (1) (a) Each member of a board of trustees of a [local] special district shall, within one
6420 year after taking office, complete the training described in Subsection (2).

6421 (b) For the purposes of Subsection (1)(a), a member of a board of trustees of a [local]
6422 special district takes office each time the member is elected or appointed to a new term,
6423 including an appointment to fill a midterm vacancy in accordance with Subsection
6424 **17B-1-303**(5) or (6).

6425 (2) In conjunction with the Utah Association of Special Districts, the state auditor
6426 shall:

6427 (a) develop a training curriculum for the members of [local] special district boards;

6428 (b) with the assistance of other state offices and departments the state auditor considers
6429 appropriate and at times and locations established by the state auditor, carry out the training of
6430 members of [local] special district boards; and

6431 (c) ensure that any training required under this Subsection (2) complies with Title 63G,
6432 Chapter 22, State Training and Certification Requirements.

6433 (3) (a) A [local] special district board of trustees may compensate each member of the
6434 board for each day of training described in Subsection (2) that the member completes, in
6435 accordance with Section **11-55-103**.

6436 (b) The compensation authorized under Subsection (3)(a) is in addition to all other
6437 amounts of compensation and expense reimbursement authorized under this chapter.

6438 (c) A board of trustees may not pay compensation under Subsection (3)(a) to any board
6439 member more than once per year.

6440 (4) The state auditor shall issue a certificate of completion to each board member that
6441 completes the training described in Subsection (2).

6442 Section 106. Section **17B-1-313** is amended to read:

6443 **17B-1-313. Publication of notice of board resolution or action -- Contest period --**
6444 **No contest after contest period.**

6445 (1) After the board of trustees of a [~~local~~] special district adopts a resolution or takes
6446 other action on behalf of the district, the board may provide for the publication of a notice of
6447 the resolution or other action.

6448 (2) Each notice under Subsection (1) shall:

6449 (a) include, as the case may be:

6450 (i) the language of the resolution or a summary of the resolution; or

6451 (ii) a description of the action taken by the board;

6452 (b) state that:

6453 (i) any person in interest may file an action in district court to contest the regularity,
6454 formality, or legality of the resolution or action within 30 days after the date of publication; and

6455 (ii) if the resolution or action is not contested by filing an action in district court within
6456 the 30-day period, no one may contest the regularity, formality, or legality of the resolution or
6457 action after the expiration of the 30-day period; and

6458 (c) be posted on the Utah Public Notice Website created in Section [63A-16-601](#).

6459 (3) For a period of 30 days after the date of the publication, any person in interest may
6460 contest the regularity, formality, or legality of the resolution or other action by filing an action
6461 in district court.

6462 (4) After the expiration of the 30-day period under Subsection (3), no one may contest
6463 the regularity, formality, or legality of the resolution or action for any cause.

6464 Section 107. Section **17B-1-314** is amended to read:

6465 **17B-1-314. Compelling attendance at board meetings.**

6466 The board of trustees of a [~~local~~] special district may:

6467 (1) compel the attendance of its own members at its meetings; and

6468 (2) provide penalties it considers necessary for the failure to attend.

6469 Section 108. Section **17B-1-401** is amended to read:

6470 **17B-1-401. Definitions.**

6471 For purposes of this part:

6472 (1) "Applicable area" means:

6473 (a) for a county, the unincorporated area of the county that is included within the area
6474 proposed for annexation; or

6475 (b) for a municipality, the area of the municipality that is included within the area

6476 proposed for annexation.

6477 (2) "Retail" means, with respect to a service provided by a municipality or [local]
6478 special district, that the service is provided directly to the ultimate user.

6479 (3) "Wholesale" means, with respect to a service provided by a [local] special district,
6480 that the service is not provided directly to the ultimate user but is provided to a retail provider.

6481 Section 109. Section **17B-1-402** is amended to read:

6482 **17B-1-402. Annexation of area outside special district.**

6483 (1) An area outside the boundaries of a [local] special district may be annexed to the
6484 [local] special district, as provided in this part, in order to provide to the area a service that the
6485 [local] special district provides.

6486 (2) The area proposed to be annexed:

6487 (a) may consist of one or more noncontiguous areas; and

6488 (b) need not be adjacent to the boundaries of the proposed annexing [local] special
6489 district.

6490 (3) With respect to a [local] special district in the creation of which an election was not
6491 required under Subsection **17B-1-214(3)(d)**:

6492 (a) an unincorporated area of a county may not be annexed to the [local] special district
6493 unless, after annexation, at least a majority of the unincorporated area of the county will be
6494 included in the [local] special district; and

6495 (b) the annexation of any part of an area within a municipality shall include all of the
6496 area within the municipality.

6497 (4) A [local] special district may not annex an area located within a project area
6498 described in a project area plan adopted by the military installation development authority
6499 under Title 63H, Chapter 1, Military Installation Development Authority Act, without the
6500 authority's approval.

6501 Section 110. Section **17B-1-403** is amended to read:

6502 **17B-1-403. Initiation of annexation process -- Petition and resolution.**

6503 (1) Except as provided in Sections **17B-1-415**, **17B-1-416**, and **17B-1-417**, the process
6504 to annex an area to a [local] special district may be initiated by:

6505 (a) (i) for a district whose board of trustees is elected by electors based on the acre-feet
6506 of water allotted to the land owned by the elector and subject to Subsection (2), a petition

6507 signed by the owners of all of the acre-feet of water allotted to the land proposed for
6508 annexation; or

6509 (ii) for all other districts:

6510 (A) a petition signed by:

6511 (I) the owners of private real property that:

6512 (Aa) is located within the area proposed to be annexed;

6513 (Bb) covers at least 10% of the total private land area within the entire area proposed to
6514 be annexed and within each applicable area; and

6515 (Cc) is equal in assessed value to at least 10% of the assessed value of all private real
6516 property within the entire area proposed to be annexed and within each applicable area; or

6517 (II) the owner of all the publicly owned real property, if all the real property within the
6518 area proposed for annexation is owned by a public entity other than the federal government; or

6519 (B) a petition signed by registered voters residing within the entire area proposed to be
6520 annexed and within each applicable area equal in number to at least 10% of the number of
6521 votes cast within the entire area proposed to be annexed and within each applicable area,
6522 respectively, for the office of governor at the last regular general election before the filing of
6523 the petition;

6524 (b) a resolution adopted by the legislative body of each county whose unincorporated
6525 area includes and each municipality whose boundaries include any of the area proposed to be
6526 annexed; or

6527 (c) a resolution adopted by the board of trustees of the proposed annexing [~~local~~]
6528 special district if, for at least 12 consecutive months immediately preceding adoption of the
6529 resolution, the [~~local~~] special district has provided:

6530 (i) retail service to the area; or

6531 (ii) a wholesale service to a provider of the same service that has provided that service
6532 on a retail basis to the area.

6533 (2) If an association representing all acre-feet of water allotted to the land that is
6534 proposed to be annexed to a [~~local~~] special district signs a petition under Subsection (1)(a)(i),
6535 pursuant to a proper exercise of authority as provided in the bylaws or other rules governing the
6536 association, the petition shall be considered to have been signed by the owners of all of the
6537 acre-feet of water allotted to the land proposed for annexation, even though less than all of the

6538 owners within the association consented to the association signing the petition.

6539 (3) Each petition and resolution under Subsection (1) shall:

6540 (a) describe the area proposed to be annexed; and

6541 (b) be accompanied by a map of the boundaries of the area proposed to be annexed.

6542 (4) The legislative body of each county and municipality that adopts a resolution under
6543 Subsection (1)(b) shall, within five days after adopting the resolution, mail or deliver a copy of
6544 the resolution to the board of trustees of the proposed annexing [~~local~~] special district.

6545 Section 111. Section **17B-1-404** is amended to read:

6546 **17B-1-404. Petition requirements.**

6547 (1) Each petition under Subsection **17B-1-403**(1)(a) shall:

6548 (a) indicate the typed or printed name and current residence address of each person
6549 signing the petition;

6550 (b) separately group signatures by county and municipality, so that all signatures of the
6551 owners of real property located within or of registered voters residing within each county
6552 whose unincorporated area includes and each municipality whose boundaries include part of
6553 the area proposed for annexation are grouped separately;

6554 (c) if it is a petition under Subsection **17B-1-403**(1)(a)(i) or (ii)(A), indicate the address
6555 of the property as to which the owner is signing the petition;

6556 (d) designate up to three signers of the petition as sponsors, one of whom shall be
6557 designated the contact sponsor, with the mailing address and telephone number of each;

6558 (e) be filed with the board of trustees of the proposed annexing [~~local~~] special district;
6559 and

6560 (f) for a petition under Subsection **17B-1-403**(1)(a)(i), state the proposed method of
6561 supplying water to the area proposed to be annexed.

6562 (2) By submitting a written withdrawal or reinstatement with the board of trustees of
6563 the proposed annexing [~~local~~] special district, a signer of a petition may withdraw, or once
6564 withdrawn, reinstate the signer's signature at any time:

6565 (a) before the public hearing under Section **17B-1-409** is held; or

6566 (b) if a hearing is not held because of Subsection **17B-1-413**(1) or because no hearing
6567 is requested under Subsection **17B-1-413**(2)(a)(ii)(B), until 20 days after the [~~local~~] special
6568 district provides notice under Subsection **17B-1-413**(2)(a)(i).

6569 Section 112. Section **17B-1-405** is amended to read:

6570 **17B-1-405. Petition certification.**

6571 (1) Within 30 days after the filing of a petition under Subsection **17B-1-403**(1)(a)(i) or
6572 (ii) or within the time that the [~~local~~] special district and each petition sponsor designate by
6573 written agreement, the board of trustees of the proposed annexing [~~local~~] special district shall:

6574 (a) with the assistance of officers of the county in which the area proposed to be
6575 annexed is located from whom the board requests assistance, determine whether the petition
6576 meets the requirements of Subsection **17B-1-403**(1)(a)(i) or (ii), as the case may be, Subsection
6577 **17B-1-403**(3), and Subsection **17B-1-404**(1); and

6578 (b) (i) if the board determines that the petition complies with the requirements, certify
6579 the petition and mail or deliver written notification of the certification to the contact sponsor;
6580 or

6581 (ii) if the board determines that the petition fails to comply with any of the
6582 requirements, reject the petition and mail or deliver written notification of the rejection and the
6583 reasons for the rejection to the contact sponsor.

6584 (2) (a) If the board rejects a petition under Subsection (1)(b)(ii), the petition may be
6585 amended to correct the deficiencies for which it was rejected and then refiled.

6586 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be
6587 used toward fulfilling the applicable signature requirement of the petition as amended under
6588 Subsection (2)(a).

6589 (3) The board shall process an amended petition filed under Subsection (2)(a) in the
6590 same manner as an original petition under Subsection (1).

6591 Section 113. Section **17B-1-406** is amended to read:

6592 **17B-1-406. Notice to county and municipality -- Exception.**

6593 (1) Except as provided in Subsection (2), within 10 days after certifying a petition
6594 under Subsection **17B-1-405**(1)(b) the board of trustees of the proposed annexing [~~local~~]
6595 special district shall mail or deliver a written notice of the proposed annexation, with a copy of
6596 the certification and a copy of the petition, to the legislative body of each:

6597 (a) county in whose unincorporated area any part of the area proposed for annexation is
6598 located; and

6599 (b) municipality in which any part of the area proposed for annexation is located.

- 6600 (2) The board is not required to send a notice under Subsection (1) to:
- 6601 (a) a county or municipality that does not provide the service proposed to be provided
- 6602 by the [local] special district; or
- 6603 (b) a county or municipality whose legislative body has adopted an ordinance or
- 6604 resolution waiving the notice requirement as to:
- 6605 (i) the proposed annexing [local] special district; or
- 6606 (ii) the service that the proposed annexing [local] special district provides.

6607 (3) For purposes of this section, an area proposed to be annexed to a municipality in a

6608 petition under Section 10-2-403 filed before and still pending at the time of the filing of a

6609 petition under Subsection 17B-1-403(1)(a) and an area included within a municipality's

6610 annexation policy plan under Section 10-2-401.5 shall be considered to be part of that

6611 municipality.

6612 Section 114. Section 17B-1-407 is amended to read:

6613 **17B-1-407. Notice of intent to consider providing service -- Public hearing**

6614 **requirements.**

6615 (1) (a) If the legislative body of a county or municipality whose applicable area is

6616 proposed to be annexed to a [local] special district in a petition under Subsection

6617 17B-1-403(1)(a) intends to consider having the county or municipality, respectively, provide to

6618 the applicable area the service that the proposed annexing [local] special district provides, the

6619 legislative body shall, within 30 days after receiving the notice under Subsection 17B-1-406(1),

6620 mail or deliver a written notice to the board of trustees of the proposed annexing [local] special

6621 district indicating that intent.

6622 (b) (i) A notice of intent under Subsection (1)(a) suspends the [local] special district's

6623 annexation proceeding as to the applicable area of the county or municipality that submits the

6624 notice of intent until the county or municipality:

6625 (A) adopts a resolution under Subsection 17B-1-408(1) declining to provide the service

6626 proposed to be provided by the proposed annexing [local] special district; or

6627 (B) is considered under Subsection 17B-1-408(2) or (3) to have declined to provide the

6628 service.

6629 (ii) The suspension of an annexation proceeding under Subsection (1)(b)(i) as to an

6630 applicable area does not prevent the [local] special district from continuing to pursue the

6631 annexation proceeding with respect to other applicable areas for which no notice of intent was
6632 submitted.

6633 (c) If a legislative body does not mail or deliver a notice of intent within the time
6634 required under Subsection (1)(a), the legislative body shall be considered to have declined to
6635 provide the service.

6636 (2) Each legislative body that mails or delivers a notice under Subsection (1)(a) shall
6637 hold a public hearing or a set of public hearings, sufficient in number and location to ensure
6638 that no substantial group of residents of the area proposed for annexation need travel an
6639 unreasonable distance to attend a public hearing.

6640 (3) Each public hearing under Subsection (2) shall be held:

6641 (a) no later than 45 days after the legislative body sends notice under Subsection (1);

6642 (b) except as provided in Subsections (6) and (7), within the applicable area; and

6643 (c) for the purpose of allowing public input on:

6644 (i) whether the service is needed in the area proposed for annexation;

6645 (ii) whether the service should be provided by the county or municipality or the
6646 proposed annexing [~~local~~] special district; and

6647 (iii) all other matters relating to the issue of providing the service or the proposed
6648 annexation.

6649 (4) A quorum of the legislative body of each county or municipal legislative body
6650 holding a public hearing under this section shall be present throughout each hearing held by
6651 that county or municipal legislative body.

6652 (5) Each hearing under this section shall be held on a weekday evening other than a
6653 holiday beginning no earlier than 6 p.m.

6654 (6) Two or more county or municipal legislative bodies may jointly hold a hearing or
6655 set of hearings required under this section if all the requirements of this section, other than the
6656 requirements of Subsection (3)(b), are met as to each hearing.

6657 (7) Notwithstanding Subsection (3)(b), a county or municipal legislative body may
6658 hold a public hearing or set of public hearings outside the applicable area if:

6659 (a) there is no reasonable place to hold a public hearing within the applicable area; and

6660 (b) the public hearing or set of public hearings is held as close to the applicable area as
6661 reasonably possible.

6662 (8) Before holding a public hearing or set of public hearings under this section, the
6663 legislative body of each county or municipality that receives a request for service shall provide
6664 notice of the hearing or set of hearings as provided in Section 17B-1-211.

6665 Section 115. Section 17B-1-408 is amended to read:

6666 **17B-1-408. Resolution indicating whether the requested service will be provided.**

6667 (1) Within 30 days after the last hearing required under Section 17B-1-407 is held, the
6668 legislative body of each county and municipality that sent a notice of intent under Subsection
6669 17B-1-407(1) shall adopt a resolution indicating whether the county or municipality will
6670 provide to the area proposed for annexation within its boundaries the service proposed to be
6671 provided by the proposed annexing [~~local~~] special district.

6672 (2) If the county or municipal legislative body fails to adopt a resolution within the
6673 time provided under Subsection (1), the county or municipality shall be considered to have
6674 declined to provide the service.

6675 (3) If a county or municipal legislative body adopts a resolution under Subsection (1)
6676 indicating that the county or municipality will provide the service but the county or
6677 municipality does not, within 120 days after the adoption of that resolution, take substantial
6678 measures to provide the service, the county or municipality shall be considered to have
6679 declined to provide the service.

6680 (4) Each county or municipality whose legislative body adopts a resolution under
6681 Subsection (1) indicating that the county or municipality will provide the service shall
6682 diligently proceed to take all measures necessary to provide the service.

6683 (5) If a county or municipal legislative body adopts a resolution under Subsection (1)
6684 indicating that the county or municipality will provide the service and the county or
6685 municipality takes substantial measures within the time provided in Subsection (3) to provide
6686 the service, the [~~local~~] special district's annexation proceeding as to the applicable area of that
6687 county or municipality is terminated and that applicable area is considered deleted from the
6688 area proposed to be annexed in a petition under Subsection 17B-1-403(1)(a).

6689 Section 116. Section 17B-1-409 is amended to read:

6690 **17B-1-409. Public hearing on proposed annexation.**

6691 (1) Except as provided in Sections 17B-1-413 and 17B-1-415, the board of trustees of
6692 each [~~local~~] special district that certifies a petition that was filed under Subsection

6693 17B-1-403(1)(a)(ii)(A) or (B), receives a resolution adopted under Subsection
6694 17B-1-403(1)(b), or adopts a resolution under Subsection 17B-1-403(1)(c) shall hold a public
6695 hearing on the proposed annexation and provide notice of the hearing as provided in Section
6696 17B-1-410.

6697 (2) Each public hearing under Subsection (1) shall be held:

6698 (a) within 45 days after:

6699 (i) if no notice to a county or municipal legislative body is required under Section
6700 17B-1-406, petition certification under Section 17B-1-405; or

6701 (ii) if notice is required under Section 17B-1-406, but no notice of intent is submitted
6702 by the deadline:

6703 (A) expiration of the deadline under Subsection 17B-1-407(1) to submit a notice of
6704 intent; or

6705 (B) termination of a suspension of the annexation proceeding under Subsection
6706 17B-1-407(1)(b);

6707 (b) (i) for a [~~local~~] special district located entirely within a single county:

6708 (A) within or as close as practicable to the area proposed to be annexed; or

6709 (B) at the [~~local~~] special district office; or

6710 (ii) for a [~~local~~] special district located in more than one county:

6711 (A) (I) within the county in which the area proposed to be annexed is located; and

6712 (II) within or as close as practicable to the area proposed to be annexed; or

6713 (B) if the [~~local~~] special district office is reasonably accessible to all residents within
6714 the area proposed to be annexed, at the [~~local~~] special district office;

6715 (c) on a weekday evening other than a holiday beginning no earlier than 6 p.m.; and

6716 (d) for the purpose of allowing:

6717 (i) the public to ask questions and obtain further information about the proposed
6718 annexation and issues raised by it; and

6719 (ii) any interested person to address the board regarding the proposed annexation.

6720 (3) A quorum of the board of trustees of the proposed annexing [~~local~~] special district
6721 shall be present throughout each public hearing held under this section.

6722 (4) (a) After holding a public hearing under this section or, if no hearing is held
6723 because of application of Subsection 17B-1-413(2)(a)(ii), after expiration of the time under

6724 Subsection 17B-1-413(2)(a)(ii)(B) for requesting a hearing, the board of trustees may by
6725 resolution deny the annexation and terminate the annexation procedure if:

6726 (i) for a proposed annexation initiated by a petition under Subsection
6727 17B-1-403(1)(a)(i) or (ii), the board determines that:

6728 (A) it is not feasible for the [toeat] special district to provide service to the area
6729 proposed to be annexed; or

6730 (B) annexing the area proposed to be annexed would be inequitable to the owners of
6731 real property or residents already within the [toeat] special district; or

6732 (ii) for a proposed annexation initiated by resolution under Subsection 17B-1-403(1)(b)
6733 or (c), the board determines not to pursue annexation.

6734 (b) In each resolution adopted under Subsection (4)(a), the board shall set forth its
6735 reasons for denying the annexation.

6736 Section 117. Section 17B-1-410 is amended to read:

6737 **17B-1-410. Notice of public hearing.**

6738 (1) Before holding a public hearing required under Section 17B-1-409, the board of
6739 trustees of each proposed annexing [toeat] special district shall:

6740 (a) mail notice of the public hearing and the proposed annexation to:

6741 (i) if the [toeat] special district is funded predominantly by revenues from a property
6742 tax, each owner of private real property located within the area proposed to be annexed, as
6743 shown upon the county assessment roll last equalized as of the previous December 31; or

6744 (ii) if the [toeat] special district is not funded predominantly by revenues from a
6745 property tax, each registered voter residing within the area proposed to be annexed, as
6746 determined by the voter registration list maintained by the county clerk as of a date selected by
6747 the board of trustees that is at least 20 but not more than 60 days before the public hearing; and

6748 (b) post notice of the public hearing and the proposed annexation in at least four
6749 conspicuous places within the area proposed to be annexed, no less than 10 and no more than
6750 30 days before the public hearing.

6751 (2) Each notice required under Subsection (1) shall:

6752 (a) describe the area proposed to be annexed;

6753 (b) identify the proposed annexing [toeat] special district;

6754 (c) state the date, time, and location of the public hearing;

6755 (d) provide a [~~local~~] special district telephone number where additional information
6756 about the proposed annexation may be obtained;

6757 (e) specify the estimated financial impact, in terms of taxes and fees, upon the typical
6758 resident and upon the typical property owner within the area proposed to be annexed if the
6759 proposed annexation is completed; and

6760 (f) except for a proposed annexation under a petition that meets the requirements of
6761 Subsection 17B-1-413(1), explain that property owners and registered voters within the area
6762 proposed to be annexed may protest the annexation by filing a written protest with the [~~local~~]
6763 special district board of trustees within 30 days after the public hearing.

6764 Section 118. Section 17B-1-411 is amended to read:

6765 **17B-1-411. Modifications to area proposed for annexation -- Limitations.**

6766 (1) (a) Subject to Subsections (2), (3), (4), and (5), a board of trustees may, within 30
6767 days after the public hearing under Section 17B-1-409, or, if no public hearing is held, within
6768 30 days after the board provides notice under Subsection 17B-1-413(2)(a)(i), modify the area
6769 proposed for annexation to include land not previously included in that area or to exclude land
6770 from that area if the modification enhances the feasibility of the proposed annexation.

6771 (b) A modification under Subsection (1)(a) may consist of the exclusion of all the land
6772 within an applicable area if:

6773 (i) the entire area proposed to be annexed consists of more than that applicable area;

6774 (ii) sufficient protests under Section 17B-1-412 are filed with respect to that applicable
6775 area that an election would have been required under Subsection 17B-1-412(3) if that
6776 applicable area were the entire area proposed to be annexed; and

6777 (iii) the other requirements of Subsection (1)(a) are met.

6778 (2) A board of trustees may not add property under Subsection (1) to the area proposed
6779 for annexation without the consent of the owner of that property.

6780 (3) Except as provided in Subsection (1)(b), a modification under Subsection (1) may
6781 not avoid the requirement for an election under Subsection 17B-1-412(3) if, before the
6782 modification, the election was required because of protests filed under Section 17B-1-412.

6783 (4) If the annexation is proposed by a petition under Subsection 17B-1-403(1)(a)(ii)(A)
6784 or (B), a modification may not be made unless the requirements of Subsection
6785 17B-1-403(1)(a)(ii)(A) or (B) are met after the modification as to the area proposed to be

6786 annexed.

6787 (5) If the petition meets the requirements of Subsection 17B-1-413(1) before a
6788 modification under this section but fails to meet those requirements after modification:

6789 (a) the [total] special district board shall give notice as provided in Section 17B-1-410
6790 and hold a public hearing as provided in Section 17B-1-409 on the proposed annexation; and

6791 (b) the petition shall be considered in all respects as one that does not meet the
6792 requirements of Subsection 17B-1-413(1).

6793 Section 119. Section 17B-1-412 is amended to read:

6794 **17B-1-412. Protests -- Election.**

6795 (1) (a) An owner of private real property located within or a registered voter residing
6796 within an area proposed to be annexed may protest an annexation by filing a written protest
6797 with the board of trustees of the proposed annexing [total] special district, except:

6798 (i) as provided in Section 17B-1-413;

6799 (ii) for an annexation under Section 17B-1-415; and

6800 (iii) for an annexation proposed by a [total] special district that receives sales and use
6801 tax funds from the counties, cities, and towns within the [total] special district that impose a
6802 sales and use tax under Section 59-12-2213.

6803 (b) A protest of a boundary adjustment is not governed by this section but is governed
6804 by Section 17B-1-417.

6805 (2) Each protest under Subsection (1)(a) shall be filed within 30 days after the date of
6806 the public hearing under Section 17B-1-409.

6807 (3) (a) Except as provided in Subsection (4), the [total] special district shall hold an
6808 election on the proposed annexation if:

6809 (i) timely protests are filed by:

6810 (A) the owners of private real property that:

6811 (I) is located within the area proposed to be annexed;

6812 (II) covers at least 10% of the total private land area within the entire area proposed to
6813 be annexed and within each applicable area; and

6814 (III) is equal in assessed value to at least 10% of the assessed value of all private real
6815 property within the entire area proposed to be annexed and within each applicable area; or

6816 (B) registered voters residing within the entire area proposed to be annexed and within

6817 each applicable area equal in number to at least 10% of the number of votes cast within the
6818 entire area proposed for annexation and within each applicable area, respectively, for the office
6819 of governor at the last regular general election before the filing of the petition; or

6820 (ii) the proposed annexing [~~local~~] special district is one that receives sales and use tax
6821 funds from the counties, cities, and towns within the [~~local~~] special district that impose a sales
6822 and use tax under Section 59-12-2213.

6823 (b) (i) At each election held under Subsection (3)(a)(ii), the ballot question shall be
6824 phrased to indicate that a voter's casting a vote for or against the annexation includes also a
6825 vote for or against the imposition of the sales and use tax as provided in Section 59-12-2213.

6826 (ii) Except as otherwise provided in this part, each election under Subsection (3)(a)
6827 shall be governed by Title 20A, Election Code.

6828 (c) If a majority of registered voters residing within the area proposed to be annexed
6829 and voting on the proposal vote:

6830 (i) in favor of annexation, the board of trustees shall, subject to Subsections
6831 17B-1-414(1)(b), (2), and (3), complete the annexation by adopting a resolution approving
6832 annexation of the area; or

6833 (ii) against annexation, the annexation process is terminated, the board may not adopt a
6834 resolution approving annexation of the area, and the area proposed to be annexed may not for
6835 two years be the subject of an effort under this part to annex to the same [~~local~~] special district.

6836 (4) If sufficient protests are filed under this section to require an election for a
6837 proposed annexation to which the protest provisions of this section are applicable, a board of
6838 trustees may, notwithstanding Subsection (3), adopt a resolution rejecting the annexation and
6839 terminating the annexation process without holding an election.

6840 Section 120. Section 17B-1-413 is amended to read:

6841 **17B-1-413. Hearing, notice, and protest provisions do not apply for certain**
6842 **petitions.**

6843 (1) Section 17B-1-412 does not apply, and, except as provided in Subsection (2)(a),
6844 Sections 17B-1-409 and 17B-1-410 do not apply:

6845 (a) if the process to annex an area to a [~~local~~] special district was initiated by:

6846 (i) a petition under Subsection 17B-1-403(1)(a)(i);

6847 (ii) a petition under Subsection 17B-1-403(1)(a)(ii)(A) that was signed by the owners

6848 of private real property that:

6849 (A) is located within the area proposed to be annexed;

6850 (B) covers at least 75% of the total private land area within the entire area proposed to
6851 be annexed and within each applicable area; and

6852 (C) is equal in assessed value to at least 75% of the assessed value of all private real
6853 property within the entire area proposed to be annexed and within each applicable area; or

6854 (iii) a petition under Subsection 17B-1-403(1)(a)(ii)(B) that was signed by registered
6855 voters residing within the entire area proposed to be annexed and within each applicable area
6856 equal in number to at least 75% of the number of votes cast within the entire area proposed to
6857 be annexed and within each applicable area, respectively, for the office of governor at the last
6858 regular general election before the filing of the petition;

6859 (b) to an annexation under Section 17B-1-415; or

6860 (c) to a boundary adjustment under Section 17B-1-417.

6861 (2) (a) If a petition that meets the requirements of Subsection (1)(a) is certified under
6862 Section 17B-1-405, the ~~local~~ special district board:

6863 (i) shall provide notice of the proposed annexation as provided in Subsection (2)(b);
6864 and

6865 (ii) (A) may, in the board's discretion, hold a public hearing as provided in Section
6866 17B-1-409 after giving notice of the public hearing as provided in Subsection (2)(b); and

6867 (B) shall, after giving notice of the public hearing as provided in Subsection (2)(b),
6868 hold a public hearing as provided in Section 17B-1-409 if a written request to do so is
6869 submitted, within 20 days after the ~~local~~ special district provides notice under Subsection
6870 (2)(a)(i), to the ~~local~~ special district board by an owner of property that is located within or a
6871 registered voter residing within the area proposed to be annexed who did not sign the
6872 annexation petition.

6873 (b) The notice required under Subsections (2)(a)(i) and (ii) shall:

6874 (i) be given:

6875 (A) (I) for a notice under Subsection (2)(a)(i), within 30 days after petition
6876 certification; or

6877 (II) for a notice of a public hearing under Subsection (2)(a)(ii), at least 10 but not more
6878 than 30 days before the public hearing; and

6879 (B) by:

6880 (I) posting written notice at the [local] special district's principal office and in one or
6881 more other locations within or proximate to the area proposed to be annexed as are reasonable
6882 under the circumstances, considering the number of parcels included in that area, the size of the
6883 area, the population of the area, and the contiguousness of the area; and

6884 (II) providing written notice:

6885 (Aa) to at least one newspaper of general circulation, if there is one, within the area
6886 proposed to be annexed or to a local media correspondent; and

6887 (Bb) on the Utah Public Notice Website created in Section 63A-16-601; and

6888 (ii) contain a brief explanation of the proposed annexation and include the name of the
6889 [local] special district, the service provided by the [local] special district, a description or map
6890 of the area proposed to be annexed, a [local] special district telephone number where additional
6891 information about the proposed annexation may be obtained, and, for a notice under Subsection
6892 (2)(a)(i), an explanation of the right of a property owner or registered voter to request a public
6893 hearing as provided in Subsection (2)(a)(ii)(B).

6894 (c) A notice under Subsection (2)(a)(i) may be combined with the notice that is
6895 required for a public hearing under Subsection (2)(a)(ii)(A).

6896 Section 121. Section 17B-1-414 is amended to read:

6897 **17B-1-414. Resolution approving an annexation -- Filing of notice and plat with**
6898 **lieutenant governor -- Recording requirements -- Effective date.**

6899 (1) (a) Subject to Subsection (1)(b), the [local] special district board shall adopt a
6900 resolution approving the annexation of the area proposed to be annexed or rejecting the
6901 proposed annexation within 90 days after:

6902 (i) expiration of the protest period under Subsection 17B-1-412(2), if sufficient protests
6903 to require an election are not filed;

6904 (ii) for a petition that meets the requirements of Subsection 17B-1-413(1):

6905 (A) a public hearing under Section 17B-1-409 is held, if the board chooses or is
6906 required to hold a public hearing under Subsection 17B-1-413(2)(a)(ii); or

6907 (B) expiration of the time for submitting a request for public hearing under Subsection
6908 17B-1-413(2)(a)(ii)(B), if no request is submitted and the board chooses not to hold a public
6909 hearing.

6910 (b) If the [local] special district has entered into an agreement with the United States
6911 that requires the consent of the United States for an annexation of territory to the district, a
6912 resolution approving annexation under this part may not be adopted until the written consent of
6913 the United States is obtained and filed with the board of trustees.

6914 (2) (a) (i) Within the time specified under Subsection (2)(a)(ii), the board shall file with
6915 the lieutenant governor:

6916 (A) a copy of a notice of an impending boundary action, as defined in Section
6917 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3) and, if applicable,
6918 Subsection (2)(b); and

6919 (B) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

6920 (ii) The board shall file the documents listed in Subsection (2)(a)(i) with the lieutenant
6921 governor:

6922 (A) within 30 days after adoption of a resolution under Subsection (1), Subsection
6923 17B-1-412(3)(c)(i), or Section 17B-1-415; and

6924 (B) as soon as practicable after receiving the notice under Subsection 10-2-425(2) of a
6925 municipal annexation that causes an automatic annexation to a [local] special district under
6926 Section 17B-1-416.

6927 (b) For an automatic annexation to a [local] special district under Section 17B-1-416,
6928 the notice of an impending boundary action required under Subsection (2)(a) shall state that an
6929 area outside the boundaries of the [local] special district is being automatically annexed to the
6930 [local] special district under Section 17B-1-416 because of a municipal annexation under Title
6931 10, Chapter 2, Part 4, Annexation.

6932 (c) Upon the lieutenant governor's issuance of a certificate of annexation under Section
6933 67-1a-6.5, the board shall:

6934 (i) if the annexed area is located within the boundary of a single county, submit to the
6935 recorder of that county:

6936 (A) the original:

6937 (I) notice of an impending boundary action;

6938 (II) certificate of annexation; and

6939 (III) approved final local entity plat; and

6940 (B) a certified copy of the annexation resolution; or

- 6941 (ii) if the annexed area is located within the boundaries of more than a single county:
6942 (A) submit to the recorder of one of those counties:
6943 (I) the original of the documents listed in Subsections (2)(c)(i)(A)(I), (II), and (III); and
6944 (II) a certified copy of the annexation resolution; and
6945 (B) submit to the recorder of each other county:
6946 (I) a certified copy of the documents listed in Subsection (2)(c)(i)(A)(I), (II), and (III);
6947 and
6948 (II) a certified copy of the annexation resolution.
- 6949 (3) (a) As used in this Subsection (3), "fire district annexation" means an annexation
6950 under this part of an area located in a county of the first class to a [local] special district:
6951 (i) created to provide fire protection, paramedic, and emergency services; and
6952 (ii) in the creation of which an election was not required because of Subsection
6953 17B-1-214(3)(d).
- 6954 (b) An annexation under this part is complete and becomes effective:
6955 (i) (A) on July 1 for a fire district annexation, if the lieutenant governor issues the
6956 certificate of annexation under Section 67-1a-6.5 from January 1 through June 30; or
6957 (B) on January 1 for a fire district annexation, if the lieutenant governor issues the
6958 certificate of annexation under Section 67-1a-6.5 from July 1 through December 31; or
6959 (ii) upon the lieutenant governor's issuance of the certificate of annexation under
6960 Section 67-1a-6.5, for any other annexation.
- 6961 (c) (i) The effective date of a [local] special district annexation for purposes of
6962 assessing property within the annexed area is governed by Section 59-2-305.5.
- 6963 (ii) Until the documents listed in Subsection (2)(c) are recorded in the office of the
6964 recorder of each county in which the property is located, a [local] special district may not:
6965 (A) levy or collect a property tax on property within the annexed area;
6966 (B) levy or collect an assessment on property within the annexed area; or
6967 (C) charge or collect a fee for service provided to property within the annexed area.
- 6968 (iii) Subsection (3)(c)(ii)(C):
6969 (A) may not be construed to limit a [local] special district's ability before annexation to
6970 charge and collect a fee for service provided to property that is outside the [local] special
6971 district's boundary; and

6972 (B) does not apply until 60 days after the effective date, under Subsection (3)(b), of the
6973 [toeat] special district's annexation, with respect to a fee that the [toeat] special district was
6974 charging for service provided to property within the annexed area immediately before the area
6975 was annexed to the [toeat] special district.

6976 Section 122. Section **17B-1-415** is amended to read:

6977 **17B-1-415. Annexation of wholesale district through expansion of retail provider**
6978 **-- Annexation of a special district that provides transportation services.**

6979 (1) (a) A [toeat] special district that provides a wholesale service may adopt a
6980 resolution approving the annexation of an area outside the [toeat] special district's boundaries
6981 if:

6982 (i) the area is annexed by or otherwise added to, or is added to the retail service area of,
6983 a municipality or another [toeat] special district that:

6984 (A) acquires the wholesale service from the [toeat] special district and provides it as a
6985 retail service;

6986 (B) is, before the annexation or other addition, located at least partly within the [toeat]
6987 special district; and

6988 (C) after the annexation or other addition will provide to the annexed or added area the
6989 same retail service that the [toeat] special district provides as a wholesale service to the
6990 municipality or other [toeat] special district; and

6991 (ii) except as provided in Subsection (2), no part of the area is within the boundaries of
6992 another [toeat] special district that provides the same wholesale service as the proposed
6993 annexing [toeat] special district.

6994 (b) For purposes of this section:

6995 (i) a [toeat] special district providing public transportation service shall be considered
6996 to be providing a wholesale service; and

6997 (ii) a municipality included within the boundaries of the [toeat] special district
6998 providing public transportation service shall be considered to be acquiring that wholesale
6999 service from the [toeat] special district and providing it as a retail service and to be providing
7000 that retail service after the annexation or other addition to the annexed or added area, even
7001 though the municipality does not in fact provide that service.

7002 (2) Notwithstanding Subsection (1)(a)(ii), an area outside the boundaries of a [toeat]

7003 special district providing a wholesale service and located partly or entirely within the
7004 boundaries of another [local] special district that provides the same wholesale service may be
7005 annexed to the [local] special district if:

7006 (a) the conditions under Subsection (1)(a)(i) are present; and

7007 (b) the proposed annexing [local] special district and the other [local] special district
7008 follow the same procedure as is required for a boundary adjustment under Section 17B-1-417,
7009 including both district boards adopting a resolution approving the annexation of the area to the
7010 proposed annexing [local] special district and the withdrawal of that area from the other
7011 district.

7012 (3) A [local] special district that provides transportation services may adopt a
7013 resolution approving the annexation of the area outside of the [local] special district's
7014 boundaries if:

7015 (a) the area is within a county that has levied a sales and use tax under Section
7016 59-12-2216; and

7017 (b) the county legislative body has adopted a resolution approving the annexation of
7018 the areas outside of the [local] special district.

7019 (4) Upon the adoption of an annexation resolution under this section, the board of the
7020 annexing [local] special district shall comply with the requirements of Subsection
7021 17B-1-414(2), and the lieutenant governor shall issue a certificate of annexation and send a
7022 copy of notice as provided in Section 67-1a-6.5.

7023 (5) Subsections 17B-1-414(2) and (3) apply to an annexation under this section.
7024 Section 123. Section 17B-1-416 is amended to read:

7025 **17B-1-416. Automatic annexation to a district providing fire protection,**
7026 **paramedic, and emergency services or law enforcement service.**

7027 (1) An area outside the boundaries of a [local] special district that is annexed to a
7028 municipality or added to a municipality by a boundary adjustment under Title 10, Chapter 2,
7029 Part 4, Annexation, is automatically annexed to the [local] special district if:

7030 (a) the [local] special district provides:

7031 (i) fire protection, paramedic, and emergency services; or

7032 (ii) law enforcement service;

7033 (b) an election for the creation of the [local] special district was not required because of

7034 Subsection 17B-1-214(3)(d); and

7035 (c) before the municipal annexation or boundary adjustment, the entire municipality
7036 that is annexing the area or adding the area by boundary adjustment was included within the
7037 [toeat] special district.

7038 (2) The effective date of an annexation under this section is governed by Subsection
7039 17B-1-414(3)(b).

7040 Section 124. Section 17B-1-417 is amended to read:

7041 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**
7042 **adjusting boundaries -- Filing of notice and plat with the lieutenant governor --**
7043 **Recording requirements -- Effective date.**

7044 (1) As used in this section, "affected area" means the area located within the
7045 boundaries of one [toeat] special district that will be removed from that [toeat] special district
7046 and included within the boundaries of another [toeat] special district because of a boundary
7047 adjustment under this section.

7048 (2) The boards of trustees of two or more [toeat] special districts having a common
7049 boundary and providing the same service on the same wholesale or retail basis may adjust their
7050 common boundary as provided in this section.

7051 (3) (a) The board of trustees of each [toeat] special district intending to adjust a
7052 boundary that is common with another [toeat] special district shall:

7053 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

7054 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days
7055 after the adoption of the resolution under Subsection (3)(a)(i); and

7056 (iii) (A) post notice:

7057 (I) in at least four conspicuous places within the [toeat] special district at least two
7058 weeks before the public hearing; and

7059 (II) on the Utah Public Notice Website created in Section 63A-16-601, for two weeks;

7060 or

7061 (B) mail a notice to each owner of property located within the affected area and to each
7062 registered voter residing within the affected area.

7063 (b) The notice required under Subsection (3)(a)(iii) shall:

7064 (i) state that the board of trustees of the [toeat] special district has adopted a resolution

7065 indicating the board's intent to adjust a boundary that the [local] special district has in common
7066 with another [local] special district that provides the same service as the [local] special district;

7067 (ii) describe the affected area;

7068 (iii) state the date, time, and location of the public hearing required under Subsection

7069 (3)(a)(ii);

7070 (iv) provide a [local] special district telephone number where additional information
7071 about the proposed boundary adjustment may be obtained;

7072 (v) explain the financial and service impacts of the boundary adjustment on property
7073 owners or residents within the affected area; and

7074 (vi) state in conspicuous and plain terms that the board of trustees may approve the
7075 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),
7076 written protests to the adjustment are filed with the board by:

7077 (A) the owners of private real property that:

7078 (I) is located within the affected area;

7079 (II) covers at least 50% of the total private land area within the affected area; and

7080 (III) is equal in assessed value to at least 50% of the assessed value of all private real
7081 property within the affected area; or

7082 (B) registered voters residing within the affected area equal in number to at least 50%
7083 of the votes cast in the affected area for the office of governor at the last regular general
7084 election before the filing of the protests.

7085 (c) The boards of trustees of the [local] special districts whose boundaries are being
7086 adjusted may jointly:

7087 (i) post or mail the notice required under Subsection (3)(a)(iii); and

7088 (ii) hold the public hearing required under Subsection (3)(a)(ii).

7089 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees
7090 may adopt a resolution approving the adjustment of the common boundary unless, at or before
7091 the public hearing, written protests to the boundary adjustment have been filed with the board
7092 by:

7093 (a) the owners of private real property that:

7094 (i) is located within the affected area;

7095 (ii) covers at least 50% of the total private land area within the affected area; and

7096 (iii) is equal in assessed value to at least 50% of the assessed value of all private real
7097 property within the affected area; or

7098 (b) registered voters residing within the affected area equal in number to at least 50%
7099 of the votes cast in the affected area for the office of governor at the last regular general
7100 election before the filing of the protests.

7101 (5) A resolution adopted under Subsection (4) does not take effect until the board of
7102 each ~~local~~ special district whose boundaries are being adjusted has adopted a resolution under
7103 Subsection (4).

7104 (6) The board of the ~~local~~ special district whose boundaries are being adjusted to
7105 include the affected area shall:

7106 (a) within 30 days after the resolutions take effect under Subsection (5), file with the
7107 lieutenant governor:

7108 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
7109 that meets the requirements of Subsection 67-1a-6.5(3); and

7110 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

7111 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment
7112 under Section 67-1a-6.5:

7113 (i) if the affected area is located within the boundary of a single county, submit to the
7114 recorder of that county:

7115 (A) the original:

7116 (I) notice of an impending boundary action;

7117 (II) certificate of boundary adjustment; and

7118 (III) approved final local entity plat; and

7119 (B) a certified copy of each resolution adopted under Subsection (4); or

7120 (ii) if the affected area is located within the boundaries of more than a single county:

7121 (A) submit to the recorder of one of those counties:

7122 (I) the original of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III); and

7123 (II) a certified copy of each resolution adopted under Subsection (4); and

7124 (B) submit to the recorder of each other county:

7125 (I) a certified copy of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III);

7126 and

7127 (II) a certified copy of each resolution adopted under Subsection (4).

7128 (7) (a) Upon the lieutenant governor's issuance of a certificate of boundary adjustment
7129 under Section 67-1a-6.5, the affected area is annexed to the [local] special district whose
7130 boundaries are being adjusted to include the affected area, and the affected area is withdrawn
7131 from the [local] special district whose boundaries are being adjusted to exclude the affected
7132 area.

7133 (b) (i) The effective date of a boundary adjustment under this section for purposes of
7134 assessing property within the affected area is governed by Section 59-2-305.5.

7135 (ii) Until the documents listed in Subsection (6)(b) are recorded in the office of the
7136 recorder of the county in which the property is located, a [local] special district in whose
7137 boundary an affected area is included because of a boundary adjustment under this section may
7138 not:

7139 (A) levy or collect a property tax on property within the affected area;

7140 (B) levy or collect an assessment on property within the affected area; or

7141 (C) charge or collect a fee for service provided to property within the affected area.

7142 (iii) Subsection (7)(b)(ii)(C):

7143 (A) may not be construed to limit a [local] special district's ability before a boundary
7144 adjustment to charge and collect a fee for service provided to property that is outside the [local]
7145 special district's boundary; and

7146 (B) does not apply until 60 days after the effective date, under Subsection (7)(a), of the
7147 [local] special district's boundary adjustment, with respect to a fee that the [local] special
7148 district was charging for service provided to property within the area affected by the boundary
7149 adjustment immediately before the boundary adjustment.

7150 Section 125. Section 17B-1-418 is amended to read:

7151 **17B-1-418. Annexed area subject to fees and taxes.**

7152 When an annexation under Section 17B-1-414 or 17B-1-415 or a boundary adjustment
7153 under Section 17B-1-417 is complete, the annexed area or the area affected by the boundary
7154 adjustment shall be subject to user fees imposed by and property, sales, and other taxes levied
7155 by or for the benefit of the [local] special district.

7156 Section 126. Section 17B-1-501 is amended to read:

7157 **17B-1-501. Definition.**

7158 As used in this part, "receiving entity" means the entity that will, after the withdrawal of
7159 an area from a [local] special district, provide to the withdrawn area the service that the [local]
7160 special district previously provided to the area.

7161 Section 127. Section **17B-1-502** is amended to read:

7162 **17B-1-502. Withdrawal of area from special district -- Automatic withdrawal in**
7163 **certain circumstances.**

7164 (1) (a) An area within the boundaries of a [local] special district may be withdrawn
7165 from the [local] special district only as provided in this part or, if applicable, as provided in
7166 Chapter 2a, Part 11, Municipal Services District Act.

7167 (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a [local]
7168 special district within a municipality because of a municipal incorporation under Title 10,
7169 Chapter 2a, Municipal Incorporation, or a municipal annexation or boundary adjustment under
7170 Title 10, Chapter 2, Part 4, Annexation, does not affect the requirements under this part for the
7171 process of withdrawing that area from the [local] special district.

7172 (2) (a) An area within the boundaries of a [local] special district is automatically
7173 withdrawn from the [local] special district by the annexation of the area to a municipality or the
7174 adding of the area to a municipality by boundary adjustment under Title 10, Chapter 2, Part 4,
7175 Annexation, if:

7176 (i) the [local] special district provides:

7177 (A) fire protection, paramedic, and emergency services; or

7178 (B) law enforcement service;

7179 (ii) an election for the creation of the [local] special district was not required because
7180 of Subsection **17B-1-214(3)(d)** or (g); and

7181 (iii) before annexation or boundary adjustment, the boundaries of the [local] special
7182 district do not include any of the annexing municipality.

7183 (b) The effective date of a withdrawal under this Subsection (2) is governed by
7184 Subsection **17B-1-512(2)(b)**.

7185 (3) (a) Except as provided in Subsection (3)(c) or (d), an area within the boundaries of
7186 a [local] special district located in a county of the first class is automatically withdrawn from
7187 the [local] special district by the incorporation of a municipality whose boundaries include the
7188 area if:

7189 (i) the [local] special district provides municipal services, as defined in Section
7190 17B-2a-1102, excluding fire protection, paramedic, emergency, and law enforcement services;

7191 (ii) an election for the creation of the [local] special district was not required because
7192 of Subsection 17B-1-214(3) (g); and

7193 (iii) the legislative body of the newly incorporated municipality:

7194 (A) for a city or town incorporated under Title 10, Chapter 2a, Part 4, Incorporation of
7195 Metro Townships and Unincorporated Islands in a County of the First Class on and after May
7196 12, 2015, complies with the feasibility study requirements of Section 17B-2a-1110;

7197 (B) adopts a resolution no later than 180 days after the effective date of incorporation
7198 approving the withdrawal that includes the legal description of the area to be withdrawn; and

7199 (C) delivers a copy of the resolution to the board of trustees of the [local] special
7200 district.

7201 (b) The effective date of a withdrawal under this Subsection (3) is governed by
7202 Subsection 17B-1-512(2)(a).

7203 (c) Section 17B-1-505 shall govern the withdrawal of an incorporated area within a
7204 county of the first class if:

7205 (i) the [local] special district from which the area is withdrawn provides:

7206 (A) fire protection, paramedic, and emergency services;

7207 (B) law enforcement service; or

7208 (C) municipal services, as defined in Section 17B-2a-1102;

7209 (ii) an election for the creation of the [local] special district was not required under
7210 Subsection 17B-1-214(3)(d) or (g); and

7211 (iii) for a [local] special district that provides municipal services, as defined in Section
7212 17B-2a-1102, excluding fire protection, paramedic, emergency, and law enforcement services,
7213 the 180-day period described in Subsection (3)(a)(iii)(B) is expired.

7214 (d) An area may not be withdrawn from a [local] special district that provides
7215 municipal services, as defined in Section 17B-2a-1102, excluding fire protection, paramedic,
7216 emergency, and law enforcement services, if:

7217 (i) the area is incorporated as a metro township; and

7218 (ii) at the election to incorporate as a metro township, the residents of the area chose to
7219 be included in a municipal services district.

7220 Section 128. Section **17B-1-503** is amended to read:

7221 **17B-1-503. Withdrawal or boundary adjustment with municipal approval.**

7222 (1) A municipality and a [~~local~~] special district whose boundaries adjoin or overlap
7223 may adjust the boundary of the [~~local~~] special district to include more or less of the
7224 municipality, including the expansion area identified in the annexation policy plan adopted by
7225 the municipality under Section **10-2-401.5**, in the [~~local~~] special district by following the same
7226 procedural requirements as set forth in Section **17B-1-417** for boundary adjustments between
7227 adjoining [~~local~~] special districts.

7228 (2) (a) Notwithstanding any other provision of this title, a municipality annexing all or
7229 part of an unincorporated island or peninsula under Title 10, Chapter 2, Classification,
7230 Boundaries, Consolidation, and Dissolution of Municipalities, that overlaps a municipal
7231 services district organized under Chapter 2a, Part 11, Municipal Services District Act, may
7232 petition to withdraw the area from the municipal services district in accordance with this
7233 Subsection (2).

7234 (b) For a valid withdrawal described in Subsection (2)(a):

7235 (i) the annexation petition under Section **10-2-403** or a separate consent, signed by
7236 owners of at least 60% of the total private land area, shall state that the signers request the area
7237 to be withdrawn from the municipal services district; and

7238 (ii) the legislative body of the municipality shall adopt a resolution, which may be the
7239 resolution adopted in accordance with Subsection **10-2-418(5)(a)**, stating the municipal
7240 legislative body's intent to withdraw the area from the municipal services district.

7241 (c) The board of trustees of the municipal services district shall consider the
7242 municipality's petition to withdraw the area from the municipal services district within 90 days
7243 after the day on which the municipal services district receives the petition.

7244 (d) The board of trustees of the municipal services district:

7245 (i) may hold a public hearing in accordance with the notice and public hearing
7246 provisions of Section **17B-1-508**;

7247 (ii) shall consider information that includes any factual data presented by the
7248 municipality and any owner of private real property who signed a petition or other form of
7249 consent described in Subsection (2)(b)(i); and

7250 (iii) identify in writing the information upon which the board of trustees relies in

7251 approving or rejecting the withdrawal.

7252 (e) The board of trustees of the municipal services district shall approve the
7253 withdrawal, effective upon the annexation of the area into the municipality or, if the
7254 municipality has already annexed the area, as soon as possible in the reasonable course of
7255 events, if the board of trustees makes a finding that:

7256 (i) (A) the loss of revenue to the municipal services district due to a withdrawal of the
7257 area will be offset by savings associated with no longer providing municipal-type services to
7258 the area; or

7259 (B) if the loss of revenue will not be offset by savings resulting from no longer
7260 providing municipal-type services to the area, the municipality agreeing to terms and
7261 conditions, which may include terms and conditions described in Subsection 17B-1-510(5), can
7262 mitigate or eliminate the loss of revenue;

7263 (ii) the annexation petition under Section 10-2-403, or a separate petition meeting the
7264 same signature requirements, states that the signers request the area to be withdrawn from the
7265 municipal services district; or

7266 (iii) the following have consented in writing to the withdrawal:

7267 (A) owners of more than 60% of the total private land area; or

7268 (B) owners of private land equal in assessed value to more than 60% of the assessed
7269 value of all private real property within the area proposed for withdrawal have consented in
7270 writing to the withdrawal.

7271 (f) If the board of trustees of the municipal services district does not make any of the
7272 findings described in Subsection (2)(e), the board of trustees may approve or reject the
7273 withdrawal based upon information upon which the board of trustees relies and that the board
7274 of trustees identifies in writing.

7275 (g) (i) If a municipality annexes an island or a part of an island before May 14, 2019,
7276 the legislative body of the municipality may initiate the withdrawal of the area from the
7277 municipal services district by adopting a resolution that:

7278 (A) requests that the area be withdrawn from the municipal services district; and

7279 (B) a final local entity plat accompanies, identifying the area proposed to be withdrawn
7280 from the municipal services district.

7281 (ii) (A) Upon receipt of the resolution and except as provided in Subsection

7282 (2)(g)(ii)(B), the board of trustees of the municipal services district shall approve the
7283 withdrawal.

7284 (B) The board of trustees of the municipal services district may reject the withdrawal if
7285 the rejection is based upon a good faith finding that lost revenues due to the withdrawal will
7286 exceed expected cost savings resulting from no longer serving the area.

7287 (h) (i) Based upon a finding described in Subsection (e) or (f):

7288 (A) the board of trustees of the municipal services district shall adopt a resolution
7289 approving the withdrawal; and

7290 (B) the chair of the board shall sign a notice of impending boundary action, as defined
7291 in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3).

7292 (ii) The annexing municipality shall deliver the following to the lieutenant governor:

7293 (A) the resolution and notice of impending boundary action described in Subsection

7294 (2)(g)(i);

7295 (B) a copy of an approved final local entity plat as defined in Section 67-1a-6.5; and

7296 (C) any other documentation required by law.

7297 (i) (i) Once the lieutenant governor has issued an applicable certificate as defined in
7298 Section 67-1a-6.5, the municipality shall deliver the certificate, the resolution and notice of
7299 impending boundary action described in Subsection (2)(h)(i), the final local entity plat as
7300 defined in Section 67-1a-6.5, and any other document required by law, to the recorder of the
7301 county in which the area is located.

7302 (ii) After the municipality makes the delivery described in Subsection (2)(i)(i), the
7303 area, for all purposes, is no longer part of the municipal services district.

7304 (j) The annexing municipality and the municipal services district may enter into an
7305 interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, stating:

7306 (i) the municipality's and the district's duties and responsibilities in conducting a
7307 withdrawal under this Subsection (2); and

7308 (ii) any other matter respecting an unincorporated island that the municipality
7309 surrounds on all sides.

7310 (3) After a boundary adjustment under Subsection (1) or a withdrawal under
7311 Subsection (2) is complete:

7312 (a) the ~~local~~ special district shall, without interruption, provide the same service to

7313 any area added to the [local] special district as provided to other areas within the [local] special
7314 district; and

7315 (b) the municipality shall, without interruption, provide the same service that the
7316 [local] special district previously provided to any area withdrawn from the [local] special
7317 district.

7318 (4) No area within a municipality may be added to the area of a [local] special district
7319 under this section if the area is part of a [local] special district that provides the same wholesale
7320 or retail service as the first [local] special district.

7321 Section 129. Section **17B-1-504** is amended to read:

7322 **17B-1-504. Initiation of withdrawal process -- Notice of petition.**

7323 (1) Except as provided in Section **17B-1-505**, the process to withdraw an area from a
7324 [local] special district may be initiated:

7325 (a) for a [local] special district funded predominantly by revenues from property taxes
7326 or service charges other than those based upon acre-feet of water:

7327 (i) by a petition signed by the owners of private real property that:

7328 (A) is located within the area proposed to be withdrawn;

7329 (B) covers at least 51% of the total private land within the area proposed to be
7330 withdrawn; and

7331 (C) is equal in taxable value to at least 51% of the taxable value of all private real
7332 property within the area proposed to be withdrawn;

7333 (ii) by a petition signed by registered voters residing within the area proposed to be
7334 withdrawn equal in number to at least 67% of the number of votes cast in the same area for the
7335 office of governor at the last regular general election before the filing of the petition;

7336 (iii) by a resolution adopted by the board of trustees of the [local] special district in
7337 which the area proposed to be withdrawn is located, which:

7338 (A) states the reasons for withdrawal; and

7339 (B) is accompanied by a general description of the area proposed to be withdrawn; or

7340 (iv) by a resolution to file a petition with the [local] special district to withdraw from
7341 the [local] special district all or a specified portion of the area within a municipality or county,
7342 adopted by the governing body of a municipality that has within its boundaries an area located
7343 within the boundaries of a [local] special district, or by the governing body of a county that has

7344 within its boundaries an area located within the boundaries of a [local] special district that is
7345 located in more than one county, which petition of the governing body shall be filed with the
7346 board of trustees only if a written request to petition the board of trustees to withdraw an area
7347 from the [local] special district has been filed with the governing body of the municipality, or
7348 county, and the request has been signed by registered voters residing within the boundaries of
7349 the area proposed for withdrawal equal in number to at least 51% of the number of votes cast in
7350 the same area for the office of governor at the last regular general election before the filing of
7351 the petition;

7352 (b) for a [local] special district whose board of trustees is elected by electors based on
7353 the acre-feet of water allotted to the land owned by the elector:

7354 (i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv); or

7355 (ii) by a petition signed by the owners of at least 67% of the acre-feet of water allotted
7356 to the land proposed to be withdrawn; or

7357 (c) for a [local] special district funded predominantly by revenues other than property
7358 taxes, service charges, or assessments based upon an allotment of acre-feet of water:

7359 (i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv); or

7360 (ii) by a petition signed by the registered voters residing within the entire area proposed
7361 to be withdrawn, which area shall be comprised of an entire unincorporated area within the
7362 [local] special district or an entire municipality within a [local] special district, or a
7363 combination thereof, equal in number to at least 67% of the number of votes cast within the
7364 entire area proposed to be withdrawn for the office of governor at the last regular general
7365 election before the filing of the petition.

7366 (2) Prior to soliciting any signatures on a petition under Subsection (1), the sponsors of
7367 the petition shall:

7368 (a) notify the [local] special district board with which the petition is intended to be
7369 filed that the sponsors will be soliciting signatures for a petition; and

7370 (b) mail a copy of the petition to the [local] special district board.

7371 Section 130. Section **17B-1-505** is amended to read:

7372 **17B-1-505. Withdrawal of municipality from certain districts providing fire**
7373 **protection, paramedic, and emergency services or law enforcement service or municipal**
7374 **services.**

7375 (1) As used in this section, "first responder district" means a ~~local~~ special district,
7376 other than a municipal services district, that provides:

- 7377 (a) fire protection, paramedic, and emergency services; or
7378 (b) law enforcement service.

7379 (2) This section applies to the withdrawal of a municipality that is entirely within the
7380 boundary of a first responder district or municipal services district that was created without the
7381 necessity of an election because of Subsection 17B-1-214(3)(d) or (g).

7382 (3) (a) The process to withdraw a municipality from a first responder district or
7383 municipal services district may be initiated by a resolution adopted by the legislative body of
7384 the municipality, subject to Subsection (3)(b).

7385 (b) The legislative body of a municipality that is within a municipal services district
7386 may not adopt a resolution under Subsection (3)(a) to withdraw from the municipal services
7387 district unless the municipality has conducted a feasibility study in accordance with Section
7388 17B-2a-1110.

7389 (c) Within 10 days after adopting a resolution under Subsection (3)(a), the municipal
7390 legislative body shall submit to the board of trustees of the first responder district or municipal
7391 services district written notice of the adoption of the resolution, accompanied by a copy of the
7392 resolution.

7393 (4) If a resolution is adopted under Subsection (3)(a) by the legislative body of a
7394 municipality within a municipal services district, the municipal legislative body shall hold an
7395 election at the next municipal general election that is more than 60 days after adoption of the
7396 resolution on the question of whether the municipality should withdraw from the municipal
7397 services district.

7398 (5) (a) A municipality shall be withdrawn from a first responder district if:

7399 (i) the legislative body of the municipality adopts a resolution initiating the withdrawal
7400 under Subsection (3)(a); and

7401 (ii) (A) whether before or after the effective date of this section, the municipality and
7402 first responder district agree in writing to the withdrawal; or

7403 (B) except as provided in Subsection (5)(b) and subject to Subsection (6), the voters of
7404 the municipality approve the withdrawal at an election held for that purpose.

7405 (b) An election under Subsection (5)(a)(ii)(B) is not required if, after a feasibility study

7406 is conducted under Section 17B-1-505.5 and a public hearing is held under Subsection
7407 17B-1-505.5(14), the municipality and first responder district agree in writing to the
7408 withdrawal.

7409 (6) An election under Subsection (5)(a)(ii)(B) may not be held unless:

7410 (a) a feasibility study is conducted under Section 17B-1-505.5; and

7411 (b) (i) the feasibility study concludes that the withdrawal is functionally and financially
7412 feasible for the municipality and the first responder district; or

7413 (ii) (A) the feasibility study concludes that the withdrawal would be functionally and
7414 financially feasible for the municipality and the first responder district if conditions specified in
7415 the feasibility study are met; and

7416 (B) the legislative body of the municipality adopts a resolution irrevocably committing
7417 the municipality to satisfying the conditions specified in the feasibility study, if the withdrawal
7418 is approved by the municipality's voters.

7419 (7) If a majority of those voting on the question of withdrawal at an election held under
7420 Subsection (4) or (5)(a)(ii)(B) vote in favor of withdrawal, the municipality shall be withdrawn
7421 from the [local] special district.

7422 (8) (a) Within 10 days after the canvass of an election at which a withdrawal under this
7423 section is submitted to voters, the municipal legislative body shall send written notice to the
7424 board of the first responder district or municipal services district from which the municipality
7425 is proposed to withdraw.

7426 (b) Each notice under Subsection (8)(a) shall:

7427 (i) state the results of the withdrawal election; and

7428 (ii) if the withdrawal was approved by voters, be accompanied by a copy of an
7429 approved final local entity plat, as defined in Section 67-1a-6.5.

7430 (9) The effective date of a withdrawal under this section is governed by Subsection
7431 17B-1-512(2)(a).

7432 Section 131. Section 17B-1-505.5 is amended to read:

7433 **17B-1-505.5. Feasibility study for a municipality's withdrawal from a special**
7434 **district providing fire protection, paramedic, and emergency services or law enforcement**
7435 **service.**

7436 (1) As used in this section:

7437 (a) "Feasibility consultant" means a person with expertise in:
7438 (i) the processes and economics of local government; and
7439 (ii) the economics of providing fire protection, paramedic, and emergency services or
7440 law enforcement service.

7441 (b) "Feasibility study" means a study to determine the functional and financial
7442 feasibility of a municipality's withdrawal from a first responder [~~local~~] special district.

7443 (c) "First responder district" means a [~~local~~] special district, other than a municipal
7444 services district, that provides:

7445 (i) fire protection, paramedic, and emergency services; or
7446 (ii) law enforcement service.

7447 (d) "Withdrawing municipality" means a municipality whose legislative body has
7448 adopted a resolution under Subsection 17B-1-505(3)(a) to initiate the process of the
7449 municipality's withdrawal from a first responder district.

7450 (2) This section applies and a feasibility study shall be conducted, as provided in this
7451 section, if:

7452 (a) the legislative body of a municipality has adopted a resolution under Subsection
7453 17B-1-505(3)(a) to initiate the process of the municipality's withdrawal from a first responder
7454 district;

7455 (b) the municipality and first responder district have not agreed in writing to the
7456 withdrawal; and

7457 (c) a feasibility study is a condition under Subsection 17B-1-505(6)(a) for an election
7458 to be held approving the withdrawal.

7459 (3) (a) As provided in this Subsection (3), the withdrawing municipality and first
7460 responder district shall choose and engage a feasibility consultant to conduct a feasibility study.

7461 (b) The withdrawing municipality and first responder district shall jointly choose and
7462 engage a feasibility consultant according to applicable municipal or [~~local~~] special district
7463 procurement procedures.

7464 (c) (i) If the withdrawing municipality and first responder district cannot agree on and
7465 have not engaged a feasibility consultant under Subsection (3)(b) within 45 days after the
7466 legislative body of the withdrawing municipality submits written notice to the first responder
7467 district under Subsection 17B-1-505(3)(c), the withdrawing municipality and first responder

7468 district shall, as provided in this Subsection (3)(c), choose a feasibility consultant from a list of
7469 at least eight feasibility consultants provided by the Utah Association of Certified Public
7470 Accountants.

7471 (ii) A list of feasibility consultants under Subsection (3)(c)(i) may not include a
7472 feasibility consultant that has had a contract to provide services to the withdrawing
7473 municipality or first responder district at any time during the two-year period immediately
7474 preceding the date the list is provided under Subsection (3)(c)(i).

7475 (iii) (A) Beginning with the first responder district, the first responder district and
7476 withdrawing municipality shall alternately eliminate one feasibility consultant each from the
7477 list of feasibility consultants until one feasibility consultant remains.

7478 (B) Within five days after receiving the list of consultants from the Utah Association of
7479 Certified Public Accountants, the first responder district shall make the first elimination of a
7480 feasibility consultant from the list and notify the withdrawing municipality in writing of the
7481 elimination.

7482 (C) After the first elimination of a feasibility consultant from the list, the withdrawing
7483 municipality and first responder district shall each, within three days after receiving the written
7484 notification of the preceding elimination, notify the other in writing of the elimination of a
7485 feasibility consultant from the list.

7486 (d) If a withdrawing municipality and first responder district do not engage a feasibility
7487 consultant under Subsection (3)(b), the withdrawing municipality and first responder district
7488 shall engage the feasibility consultant that has not been eliminated from the list at the
7489 completion of the process described in Subsection (3)(c).

7490 (4) A feasibility consultant that conducts a feasibility study under this section shall be
7491 independent of and unaffiliated with the withdrawing municipality and first responder district.

7492 (5) In conducting a feasibility study under this section, the feasibility consultant shall
7493 consider:

7494 (a) population and population density within the withdrawing municipality;

7495 (b) current and five-year projections of demographics and economic base in the
7496 withdrawing municipality, including household size and income, commercial and industrial
7497 development, and public facilities;

7498 (c) projected growth in the withdrawing municipality during the next five years;

7499 (d) subject to Subsection (6)(a), the present and five-year projections of the cost,
7500 including overhead, of providing the same service in the withdrawing municipality as is
7501 provided by the first responder district, including:

7502 (i) the estimated cost if the first responder district continues to provide service; and

7503 (ii) the estimated cost if the withdrawing municipality provides service;

7504 (e) subject to Subsection (6)(a), the present and five-year projections of the cost,
7505 including overhead, of the first responder district providing service with:

7506 (i) the municipality included in the first responder district's service area; and

7507 (ii) the withdrawing municipality excluded from the first responder district's service
7508 area;

7509 (f) a projection of any new taxes per household that may be levied within the
7510 withdrawing municipality within five years after the withdrawal;

7511 (g) the fiscal impact that the withdrawing municipality's withdrawal has on other
7512 municipalities and unincorporated areas served by the first responder district, including any rate
7513 increase that may become necessary to maintain required coverage ratios for the first responder
7514 district's debt;

7515 (h) the physical and other assets that will be required by the withdrawing municipality
7516 to provide, without interruption or diminution of service, the same service that is being
7517 provided by the first responder district;

7518 (i) the physical and other assets that will no longer be required by the first responder
7519 district to continue to provide the current level of service to the remainder of the first responder
7520 district, excluding the withdrawing municipality, and could be transferred to the withdrawing
7521 municipality;

7522 (j) subject to Subsection (6)(b), a fair and equitable allocation of the first responder
7523 district's assets between the first responder district and the withdrawing municipality, effective
7524 upon the withdrawal of the withdrawing municipality from the first responder district;

7525 (k) a fair and equitable allocation of the debts, liabilities, and obligations of the first
7526 responder district and any local building authority of the first responder district, between the
7527 withdrawing municipality and the remaining first responder district, taking into consideration:

7528 (i) any requirement to maintain the excludability of interest from the income of the
7529 holder of the debt, liability, or obligation for federal income tax purposes; and

7530 (ii) any first responder district assets that have been purchased with the proceeds of
7531 bonds issued by the first responder district that the first responder district will retain and any of
7532 those assets that will be transferred to the withdrawing municipality;

7533 (l) the number and classification of first responder district employees who will no
7534 longer be required to serve the remaining portions of the first responder district after the
7535 withdrawing municipality withdraws from the first responder district, including the dollar
7536 amount of the wages, salaries, and benefits attributable to the employees and the estimated cost
7537 associated with termination of the employees if the withdrawing municipality does not employ
7538 the employees;

7539 (m) maintaining as a base, for a period of three years after withdrawal, the existing
7540 schedule of pay and benefits for first responder district employees who are transferred to the
7541 employment of the withdrawing municipality; and

7542 (n) any other factor that the feasibility consultant considers relevant to the question of
7543 the withdrawing municipality's withdrawal from the first responder district.

7544 (6) (a) For purposes of Subsections (5)(d) and (e):

7545 (i) the feasibility consultant shall assume a level and quality of service to be provided
7546 in the future to the withdrawing municipality that fairly and reasonably approximates the level
7547 and quality of service that the first responder district provides to the withdrawing municipality
7548 at the time of the feasibility study;

7549 (ii) in determining the present value cost of a service that the first responder district
7550 provides, the feasibility consultant shall consider:

7551 (A) the cost to the withdrawing municipality of providing the service for the first five
7552 years after the withdrawal; and

7553 (B) the first responder district's present and five-year projected cost of providing the
7554 same service within the withdrawing municipality; and

7555 (iii) the feasibility consultant shall consider inflation and anticipated growth in
7556 calculating the cost of providing service.

7557 (b) The feasibility consultant may not consider an allocation of first responder district
7558 assets or a transfer of first responder district employees to the extent that the allocation or
7559 transfer would impair the first responder district's ability to continue to provide the current
7560 level of service to the remainder of the first responder district without the withdrawing

7561 municipality, unless the first responder district consents to the allocation or transfer.

7562 (7) A feasibility consultant may retain an architect, engineer, or other professional, as
7563 the feasibility consultant considers prudent and as provided in the agreement with the
7564 withdrawing municipality and first responder district, to assist the feasibility consultant to
7565 conduct a feasibility study.

7566 (8) The withdrawing municipality and first responder district shall require the
7567 feasibility consultant to:

7568 (a) complete the feasibility study within a time established by the withdrawing
7569 municipality and first responder district;

7570 (b) prepare and submit a written report communicating the results of the feasibility
7571 study, including a one-page summary of the results; and

7572 (c) attend all public hearings relating to the feasibility study under Subsection (14).

7573 (9) A written report of the results of a feasibility study under this section shall:

7574 (a) contain a recommendation concerning whether a withdrawing municipality's
7575 withdrawal from a first responder district is functionally and financially feasible for both the
7576 first responder district and the withdrawing municipality; and

7577 (b) include any conditions the feasibility consultant determines need to be satisfied in
7578 order to make the withdrawal functionally and financially feasible, including:

7579 (i) first responder district assets and liabilities to be allocated to the withdrawing
7580 municipality; and

7581 (ii) (A) first responder district employees to become employees of the withdrawing
7582 municipality; and

7583 (B) sick leave, vacation, and other accrued benefits and obligations relating to the first
7584 responder district employees that the withdrawing municipality needs to assume.

7585 (10) The withdrawing municipality and first responder district shall equally share the
7586 feasibility consultant's fees and costs, as specified in the agreement between the withdrawing
7587 municipality and first responder district and the feasibility consultant.

7588 (11) (a) Upon completion of the feasibility study and preparation of a written report,
7589 the feasibility consultant shall deliver a copy of the report to the withdrawing municipality and
7590 first responder district.

7591 (b) (i) A withdrawing municipality or first responder district that disagrees with any

7592 aspect of a feasibility study report may, within 20 business days after receiving a copy of the
7593 report under Subsection (11)(a), submit to the feasibility consultant a written objection
7594 detailing the disagreement.

7595 (ii) (A) A withdrawing municipality that submits a written objection under Subsection
7596 (11)(b)(i) shall simultaneously deliver a copy of the objection to the first responder district.

7597 (B) A first responder district that submits a written objection under Subsection
7598 (11)(b)(i) shall simultaneously deliver a copy of the objection to the withdrawing municipality.

7599 (iii) A withdrawing municipality or first responder district may, within 10 business
7600 days after receiving an objection under Subsection (11)(b)(ii), submit to the feasibility
7601 consultant a written response to the objection.

7602 (iv) (A) A withdrawing municipality that submits a response under Subsection
7603 (11)(b)(iii) shall simultaneously deliver a copy of the response to the first responder district.

7604 (B) A first responder district that submits a response under Subsection (11)(b)(iii) shall
7605 simultaneously deliver a copy of the response to the withdrawing municipality.

7606 (v) If an objection is filed under Subsection (11)(b)(i), the feasibility consultant shall,
7607 within 20 business days after the expiration of the deadline under Subsection (11)(b)(iii) for
7608 submitting a response to an objection:

7609 (A) modify the feasibility study report or explain in writing why the feasibility
7610 consultant is not modifying the feasibility study report; and

7611 (B) deliver the modified feasibility study report or written explanation to the
7612 withdrawing municipality and first responder ~~local~~ special district.

7613 (12) Within seven days after the expiration of the deadline under Subsection (11)(b)(i)
7614 for submitting an objection or, if an objection is submitted, within seven days after receiving a
7615 modified feasibility study report or written explanation under Subsection (11)(b)(v), but at least
7616 30 days before a public hearing under Subsection (14), the withdrawing municipality shall:

7617 (a) make a copy of the report available to the public at the primary office of the
7618 withdrawing municipality; and

7619 (b) if the withdrawing municipality has a website, post a copy of the report on the
7620 municipality's website.

7621 (13) A feasibility study report or, if a feasibility study report is modified under
7622 Subsection (11), a modified feasibility study report may not be challenged unless the basis of

7623 the challenge is that the report results from collusion or fraud.

7624 (14) (a) Following the expiration of the deadline under Subsection (11)(b)(i) for
7625 submitting an objection, or, if an objection is submitted under Subsection (11)(b)(i), following
7626 the withdrawing municipality's receipt of the modified feasibility study report or written
7627 explanation under Subsection (11)(b)(v), the legislative body of the withdrawing municipality
7628 shall, at the legislative body's next regular meeting, schedule at least one public hearing to be
7629 held:

7630 (i) within the following 60 days; and

7631 (ii) for the purpose of allowing:

7632 (A) the feasibility consultant to present the results of the feasibility study; and

7633 (B) the public to become informed about the feasibility study results, to ask the
7634 feasibility consultant questions about the feasibility study, and to express the public's views
7635 about the proposed withdrawal.

7636 (b) At a public hearing under Subsection (14)(a), the legislative body of the
7637 withdrawing municipality shall:

7638 (i) provide a copy of the feasibility study for public review; and

7639 (ii) allow the public to:

7640 (A) ask the feasibility consultant questions about the feasibility study; and

7641 (B) express the public's views about the withdrawing municipality's proposed
7642 withdrawal from the first responder district.

7643 (15) (a) The clerk or recorder of the withdrawing municipality shall publish notice of a
7644 hearing under Subsection (14) on the Utah Public Notice Website created in Section
7645 [63A-16-601](#), for three consecutive weeks immediately before the public hearing.

7646 (b) A notice under Subsection (15)(a) shall state:

7647 (i) the date, time, and location of the public hearing; and

7648 (ii) that a copy of the feasibility study report may be obtained, free of charge, at the
7649 office of the withdrawing municipality or on the withdrawing municipality's website.

7650 (16) Unless the withdrawing municipality and first responder district agree otherwise,
7651 conditions that a feasibility study report indicates are necessary to be met for a withdrawal to
7652 be functionally and financially feasible for the withdrawing municipality and first responder
7653 district are binding on the withdrawing municipality and first responder district if the

7654 withdrawal occurs.

7655 Section 132. Section **17B-1-506** is amended to read:

7656 **17B-1-506. Withdrawal petition requirements.**

7657 (1) Each petition under Section **17B-1-504** shall:

7658 (a) indicate the typed or printed name and current address of each owner of acre-feet of
7659 water, property owner, registered voter, or authorized representative of the governing body
7660 signing the petition;

7661 (b) separately group signatures by municipality and, in the case of unincorporated
7662 areas, by county;

7663 (c) if it is a petition signed by the owners of land, the assessment of which is based on
7664 acre-feet of water, indicate the address of the property and the property tax identification parcel
7665 number of the property as to which the owner is signing the request;

7666 (d) designate up to three signers of the petition as sponsors, or in the case of a petition
7667 filed under Subsection **17B-1-504(1)(a)(iv)**, designate a governmental representative as a
7668 sponsor, and in each case, designate one sponsor as the contact sponsor with the mailing
7669 address and telephone number of each;

7670 (e) state the reasons for withdrawal; and

7671 (f) when the petition is filed with the [~~local~~] special district board of trustees, be
7672 accompanied by a map generally depicting the boundaries of the area proposed to be withdrawn
7673 and a legal description of the area proposed to be withdrawn.

7674 (2) (a) The [~~local~~] special district may prepare an itemized list of expenses, other than
7675 attorney expenses, that will necessarily be incurred by the [~~local~~] special district in the
7676 withdrawal proceeding. The itemized list of expenses may be submitted to the contact sponsor.
7677 If the list of expenses is submitted to the contact sponsor within 21 days after receipt of the
7678 petition, the contact sponsor on behalf of the petitioners shall be required to pay the expenses
7679 to the [~~local~~] special district within 90 days of receipt. Until funds to cover the expenses are
7680 delivered to the [~~local~~] special district, the district will have no obligation to proceed with the
7681 withdrawal and the time limits on the district stated in this part will be tolled. If the expenses
7682 are not paid within the 90 days, or within 90 days from the conclusion of any arbitration under
7683 Subsection (2)(b), the petition requesting the withdrawal shall be considered to have been
7684 withdrawn.

7685 (b) If there is no agreement between the board of trustees of the [local] special district
7686 and the contact sponsor on the amount of expenses that will necessarily be incurred by the
7687 [local] special district in the withdrawal proceeding, either the board of trustees or the contact
7688 sponsor may submit the matter to binding arbitration in accordance with Title 78B, Chapter 6,
7689 Part 2, Alternative Dispute Resolution Act; provided that, if the parties cannot agree upon an
7690 arbitrator and the rules and procedures that will control the arbitration, either party may pursue
7691 arbitration under Title 78B, Chapter 11, Utah Uniform Arbitration Act.

7692 (3) A signer of a petition may withdraw or, once withdrawn, reinstate the signer's
7693 signature at any time before the public hearing under Section 17B-1-508 by submitting a
7694 written withdrawal or reinstatement with the board of trustees of the [local] special district in
7695 which the area proposed to be withdrawn is located.

7696 (4) If it reasonably appears that, if the withdrawal which is the subject of a petition
7697 filed under Subsection 17B-1-504(1)(a)(i) or (ii) is granted, it will be necessary for a
7698 municipality to provide to the withdrawn area the service previously supplied by the [local]
7699 special district, the board of trustees of the [local] special district may, within 21 days after
7700 receiving the petition, notify the contact sponsor in writing that, before it will be considered by
7701 the board of trustees, the petition shall be presented to and approved by the governing body of
7702 the municipality as provided in Subsection 17B-1-504(1)(a)(iv) before it will be considered by
7703 the [local] special district board of trustees. If the notice is timely given to the contact sponsor,
7704 the petition shall be considered to have been withdrawn until the municipality files a petition
7705 with the [local] special district under Subsection 17B-1-504(1)(a)(iv).

7706 (5) (a) After receiving the notice required by Subsection 17B-1-504(2), unless
7707 specifically allowed by law, a public entity may not make expenditures from public funds to
7708 support or oppose the gathering of signatures on a petition for withdrawal.

7709 (b) Nothing in this section prohibits a public entity from providing factual information
7710 and analysis regarding a withdrawal petition to the public, so long as the information grants
7711 equal access to both the opponents and proponents of the petition for withdrawal.

7712 (c) Nothing in this section prohibits a public official from speaking, campaigning,
7713 contributing personal money, or otherwise exercising the public official's constitutional rights.

7714 Section 133. Section 17B-1-507 is amended to read:

7715 **17B-1-507. Withdrawal petition certification -- Amended petition.**

7716 (1) Within 30 days after the filing of a petition under Sections 17B-1-504 and
7717 17B-1-506, the board of trustees of the [local] special district in which the area proposed to be
7718 withdrawn is located shall:

7719 (a) with the assistance of officers of the county in which the area proposed to be
7720 withdrawn is located, determine whether the petition meets the requirements of Sections
7721 17B-1-504 and 17B-1-506; and

7722 (b) (i) if the petition complies with the requirements set forth in Sections 17B-1-504
7723 and 17B-1-506, certify the petition and mail or deliver written notification of the certification
7724 to the contact sponsor; or

7725 (ii) if the petition fails to comply with any of the requirements set forth in Sections
7726 17B-1-504 and 17B-1-506, reject the petition as insufficient and mail or deliver written
7727 notification of the rejection and the reasons for the rejection to the contact sponsor.

7728 (2) (a) If the board rejects the petition under Subsection (1)(b)(ii), the petition may be
7729 amended to correct the deficiencies for which it was rejected and then refiled within 60 days
7730 after notice of the rejection.

7731 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be
7732 used toward fulfilling the applicable signature requirement for an amended petition refiled
7733 under Subsection (2)(a).

7734 (3) The board of trustees shall process an amended petition refiled under Subsection
7735 (2)(a) in the same manner as an original petition under Subsection (1). If an amended petition
7736 is rejected for failure to comply with the requirements of Sections 17B-1-504 and 17B-1-506,
7737 the board of trustees shall issue a final rejection of the petition for insufficiency and mail or
7738 deliver written notice of the final rejection to the contact sponsor.

7739 (4) (a) A signer of a petition for which there has been a final rejection under Subsection
7740 (3) for insufficiency may seek judicial review of the board of trustees' final decision to reject
7741 the petition as insufficient.

7742 (b) Judicial review under Subsection (4)(a) shall be initiated by filing an action in state
7743 district court in the county in which a majority of the area proposed to be withdrawn is located.

7744 (c) The court in which an action is filed under this Subsection (4) may not overturn the
7745 board of trustees' decision to reject the petition unless the court finds that:

7746 (i) the board of trustees' decision was arbitrary or capricious; or

7747 (ii) the petition materially complies with the requirements set forth in Sections
7748 17B-1-504 and 17B-1-506.

7749 (d) The court may award costs and expenses of an action under this section, including
7750 reasonable attorney fees, to the prevailing party.

7751 Section 134. Section 17B-1-508 is amended to read:

7752 **17B-1-508. Public hearing -- Quorum of board required to be present.**

7753 (1) A public hearing on the proposed withdrawal shall be held by the board of trustees
7754 of a [local] special district that:

7755 (a) certifies a petition under Subsection 17B-1-507(1)(b)(i) unless the petition was
7756 signed by all of the owners of private land within the area proposed to be withdrawn or all of
7757 the registered voters residing within the area proposed to be withdrawn; or

7758 (b) adopts a resolution under Subsection 17B-1-504(1)(a)(iii) unless another [local]
7759 special district provides to the area proposed to be withdrawn the same retail or wholesale
7760 service as provided by the [local] special district that adopted the resolution.

7761 (2) The public hearing required by Subsection (1) for a petition certified by the board
7762 of trustees of a [local] special district under Subsection 17B-1-507(1)(b)(i), other than a
7763 petition filed in accordance with Subsection 17B-1-504(1)(a)(iv), may be held as an agenda
7764 item of a meeting of the board of trustees of the [local] special district without complying with
7765 the requirements of Subsection (3)(b), (3)(c), or Section 17B-1-509.

7766 (3) Except as provided in Subsection (2), the public hearing required by Subsection (1)
7767 shall be held:

7768 (a) no later than 90 days after:

7769 (i) certification of the petition under Subsection 17B-1-507(1)(b)(i); or

7770 (ii) adoption of a resolution under Subsection 17B-1-504(1)(a)(iii);

7771 (b) (i) for a [local] special district located entirely within a single county:

7772 (A) within or as close as practicable to the area proposed to be withdrawn; or

7773 (B) at the [local] special district office; or

7774 (ii) for a [local] special district located in more than one county:

7775 (A) (I) within the county in which the area proposed to be withdrawn is located; and

7776 (II) within or as close as practicable to the area proposed to be withdrawn; or

7777 (B) if the [local] special district office is reasonably accessible to all residents within

7778 the area proposed to be annexed, at the [local] special district office;

7779 (c) on a weekday evening other than a holiday beginning no earlier than 6:00 p.m.; and

7780 (d) for the purpose of allowing:

7781 (i) the public to ask questions and obtain further information about the proposed

7782 withdrawal and issues raised by it; and

7783 (ii) any interested person to address the board of trustees concerning the proposed

7784 withdrawal.

7785 (4) A quorum of the board of trustees of the [local] special district shall be present

7786 throughout the public hearing provided for under this section.

7787 (5) A public hearing under this section may be postponed or continued to a new time,

7788 date, and place without further notice by a resolution of the board of trustees adopted at the

7789 public hearing held at the time, date, and place specified in the published notice; provided,

7790 however, that the public hearing may not be postponed or continued to a date later than 15 days

7791 after the 90-day period under Subsection (3).

7792 Section 135. Section **17B-1-509** is amended to read:

7793 **17B-1-509. Notice of hearing and withdrawal.**

7794 (1) Unless it is held as an agenda item of a meeting of the board of trustees of a [local]

7795 special district as allowed by Subsection **17B-1-508**(2), before holding a public hearing under

7796 Section **17B-1-508**, the board of trustees of the [local] special district shall:

7797 (a) mail notice of the public hearing and of the proposed withdrawal to:

7798 (i) if the [local] special district is funded predominantly by revenues from a property

7799 tax, each owner of private real property located within the area proposed to be withdrawn, as

7800 shown upon the county assessment roll last equalized as of the previous December 31;

7801 (ii) if the [local] special district is funded by fees based upon an allotment of acre-feet

7802 of water, each owner of private real property with an allotment of water located within the area

7803 proposed to be withdrawn, as shown upon the district's records; or

7804 (iii) if the [local] special district is not funded predominantly by revenues from a

7805 property tax or fees based upon an allotment of acre-feet of water, each registered voter

7806 residing within the area proposed to be withdrawn, as determined by the voter registration list

7807 maintained by the county clerk as of a date selected by the board of trustees that is at least 20

7808 but not more than 60 days before the public hearing; and

7809 (b) post notice of the public hearing and of the proposed withdrawal in at least four
7810 conspicuous places within the area proposed to be withdrawn, no less than five nor more than
7811 30 days before the public hearing.

7812 (2) Each notice required under Subsection (1) shall:

7813 (a) describe the area proposed to be withdrawn;

7814 (b) identify the [~~local~~] special district in which the area proposed to be withdrawn is
7815 located;

7816 (c) state the date, time, and location of the public hearing;

7817 (d) state that the petition or resolution may be examined during specified times and at a
7818 specified place in the [~~local~~] special district; and

7819 (e) state that any person interested in presenting comments or other information for or
7820 against the petition or resolution may:

7821 (i) prior to the hearing, submit relevant comments and other information in writing to
7822 the board of trustees at a specified address in the [~~local~~] special district; or

7823 (ii) at the hearing, present relevant comments and other information in writing and may
7824 also present comments and information orally.

7825 Section 136. Section **17B-1-510** is amended to read:

7826 **17B-1-510. Resolution approving or rejecting withdrawal -- Criteria for approval**
7827 **or rejection -- Terms and conditions.**

7828 (1) (a) No later than 90 days after the public hearing under Section [17B-1-508](#), or, if no
7829 hearing is held, within 90 days after the filing of a petition under Section [17B-1-504](#), the board
7830 of trustees of the [~~local~~] special district in which the area proposed to be withdrawn is located
7831 shall adopt a resolution:

7832 (i) approving the withdrawal of some or all of the area from the [~~local~~] special district;

7833 or

7834 (ii) rejecting the withdrawal.

7835 (b) Each resolution approving a withdrawal shall:

7836 (i) include a legal description of the area proposed to be withdrawn;

7837 (ii) state the effective date of the withdrawal; and

7838 (iii) set forth the terms and conditions under Subsection (5), if any, of the withdrawal.

7839 (c) Each resolution rejecting a withdrawal shall include a detailed explanation of the

7840 board of trustees' reasons for the rejection.

7841 (2) Unless denial of the petition is required under Subsection (3), the board of trustees
7842 shall adopt a resolution approving the withdrawal of some or all of the area from the [local]
7843 special district if the board of trustees determines that:

7844 (a) the area to be withdrawn does not and will not require the service that the [local]
7845 special district provides;

7846 (b) the [local] special district will not be able to provide service to the area to be
7847 withdrawn for the reasonably foreseeable future; or

7848 (c) the area to be withdrawn has obtained the same service that is provided by the
7849 [local] special district or a commitment to provide the same service that is provided by the
7850 [local] special district from another source.

7851 (3) The board of trustees shall adopt a resolution denying the withdrawal if it
7852 determines that the proposed withdrawal would:

7853 (a) result in a breach or default by the [local] special district under:

7854 (i) any of its notes, bonds, or other debt or revenue obligations;

7855 (ii) any of its agreements with entities which have insured, guaranteed, or otherwise
7856 credit-enhanced any debt or revenue obligations of the [local] special district; or

7857 (iii) any of its agreements with the United States or any agency of the United States;
7858 provided, however, that, if the [local] special district has entered into an agreement with the
7859 United States that requires the consent of the United States for a withdrawal of territory from
7860 the district, a withdrawal under this part may occur if the written consent of the United States is
7861 obtained and filed with the board of trustees;

7862 (b) adversely affect the ability of the [local] special district to make any payments or
7863 perform any other material obligations under:

7864 (i) any of its agreements with the United States or any agency of the United States;

7865 (ii) any of its notes, bonds, or other debt or revenue obligations; or

7866 (iii) any of its agreements with entities which have insured, guaranteed, or otherwise
7867 credit-enhanced any debt or revenue obligations of the [local] special district;

7868 (c) result in the reduction or withdrawal of any rating on an outstanding note, bond, or
7869 other debt or revenue obligation of the [local] special district;

7870 (d) create an island or peninsula of nondistrict territory within the [local] special

7871 district or of district territory within nondistrict territory that has a material adverse affect on
7872 the [toeat] special district's ability to provide service or materially increases the cost of
7873 providing service to the remainder of the [toeat] special district;

7874 (e) materially impair the operations of the remaining [toeat] special district; or

7875 (f) require the [toeat] special district to materially increase the fees it charges or
7876 property taxes or other taxes it levies in order to provide to the remainder of the district the
7877 same level and quality of service that was provided before the withdrawal.

7878 (4) In determining whether the withdrawal would have any of the results described in
7879 Subsection (3), the board of trustees may consider the cumulative impact that multiple
7880 withdrawals over a specified period of time would have on the [toeat] special district.

7881 (5) (a) Despite the presence of one or more of the conditions listed in Subsection (3),
7882 the board of trustees may approve a resolution withdrawing an area from the [toeat] special
7883 district imposing terms or conditions that mitigate or eliminate the conditions listed in
7884 Subsection (3), including:

7885 (i) a requirement that the owners of property located within the area proposed to be
7886 withdrawn or residents within that area pay their proportionate share of any outstanding district
7887 bond or other obligation as determined pursuant to Subsection (5)(b);

7888 (ii) a requirement that the owners of property located within the area proposed to be
7889 withdrawn or residents within that area make one or more payments in lieu of taxes, fees, or
7890 assessments;

7891 (iii) a requirement that the board of trustees and the receiving entity agree to reasonable
7892 payment and other terms in accordance with Subsections (5)(f) through (g) regarding the
7893 transfer to the receiving entity of district assets that the district used before withdrawal to
7894 provide service to the withdrawn area but no longer needs because of the withdrawal; provided
7895 that, if those district assets are allocated in accordance with Subsections (5)(f) through (g), the
7896 district shall immediately transfer to the receiving entity on the effective date of the
7897 withdrawal, all title to and possession of district assets allocated to the receiving entity; or

7898 (iv) any other reasonable requirement considered to be necessary by the board of
7899 trustees.

7900 (b) Other than as provided for in Subsection 17B-1-511(2), and except as provided in
7901 Subsection (5)(e), in determining the proportionate share of outstanding bonded indebtedness

7902 or other obligations under Subsection (5)(a)(i) and for purposes of determining the allocation
7903 and transfer of district assets under Subsection (5)(a)(iii), the board of trustees and the
7904 receiving entity, or in cases where there is no receiving entity, the board and the sponsors of the
7905 petition shall:

7906 (i) engage engineering and accounting consultants chosen by the procedure provided in
7907 Subsection (5)(d); provided however, that if the withdrawn area is not receiving service, an
7908 engineering consultant need not be engaged; and

7909 (ii) require the engineering and accounting consultants engaged under Subsection
7910 (5)(b)(i) to communicate in writing to the board of trustees and the receiving entity, or in cases
7911 where there is no receiving entity, the board and the sponsors of the petition the information
7912 required by Subsections (5)(f) through (h).

7913 (c) For purposes of this Subsection (5):

7914 (i) "accounting consultant" means a certified public accountant or a firm of certified
7915 public accountants with the expertise necessary to make the determinations required under
7916 Subsection (5)(h); and

7917 (ii) "engineering consultant" means a person or firm that has the expertise in the
7918 engineering aspects of the type of system by which the withdrawn area is receiving service that
7919 is necessary to make the determination required under Subsections (5)(f) and (g).

7920 (d) (i) Unless the board of trustees and the receiving entity, or in cases where there is
7921 no receiving entity, the board and the sponsors of the petition agree on an engineering
7922 consultant and an accounting consultant, each consultant shall be chosen from a list of
7923 consultants provided by the Consulting Engineers Council of Utah and the Utah Association of
7924 Certified Public Accountants, respectively, as provided in this Subsection (5)(d).

7925 (ii) A list under Subsection (5)(d)(i) may not include a consultant who has had a
7926 contract for services with the district or the receiving entity during the two-year period
7927 immediately before the list is provided to the ~~local~~ special district.

7928 (iii) Within 20 days of receiving the lists described in Subsection (5)(d)(i), the board of
7929 trustees shall eliminate the name of one engineering consultant from the list of engineering
7930 consultants and the name of one accounting consultant from the list of accounting consultants
7931 and shall notify the receiving entity, or in cases where there is no receiving entity, the sponsors
7932 of the petition in writing of the eliminations.

7933 (iv) Within three days of receiving notification under Subsection (5)(d), the receiving
7934 entity, or in cases where there is no receiving entity, the sponsors of the petition shall eliminate
7935 another name of an engineering consultant from the list of engineering consultants and another
7936 name of an accounting consultant from the list of accounting consultants and shall notify the
7937 board of trustees in writing of the eliminations.

7938 (v) The board of trustees and the receiving entity, or in cases where there is no
7939 receiving entity, the board and the sponsors of the petition shall continue to alternate between
7940 them, each eliminating the name of one engineering consultant from the list of engineering
7941 consultants and the name of one accounting consultant from the list of accounting consultants
7942 and providing written notification of the eliminations within three days of receiving
7943 notification of the previous notification, until the name of only one engineering consultant
7944 remains on the list of engineering consultants and the name of only one accounting consultant
7945 remains on the list of accounting consultants.

7946 (e) The requirement under Subsection (5)(b) to engage engineering and accounting
7947 consultants does not apply if the board of trustees and the receiving entity, or in cases where
7948 there is no receiving entity, the board and the sponsors of the petition agree on the allocations
7949 that are the engineering consultant's responsibility under Subsection (5)(f) or the
7950 determinations that are the accounting consultant's responsibility under Subsection (5)(h);
7951 provided however, that if engineering and accounting consultants are engaged, the district and
7952 the receiving entity, or in cases where there is no receiving entity, the district and the sponsors
7953 of the petition shall equally share the cost of the engineering and accounting consultants.

7954 (f) (i) The engineering consultant shall allocate the district assets between the district
7955 and the receiving entity as provided in this Subsection (5)(f).

7956 (ii) The engineering consultant shall allocate:

7957 (A) to the district those assets reasonably needed by the district to provide to the area
7958 of the district remaining after withdrawal the kind, level, and quality of service that was
7959 provided before withdrawal; and

7960 (B) to the receiving entity those assets reasonably needed by the receiving entity to
7961 provide to the withdrawn area the kind and quality of service that was provided before
7962 withdrawal.

7963 (iii) If the engineering consultant determines that both the [~~local~~] special district and

7964 the receiving entity reasonably need a district asset to provide to their respective areas the kind
7965 and quality of service provided before withdrawal, the engineering consultant shall:

7966 (A) allocate the asset between the [~~local~~] special district and the receiving entity
7967 according to their relative needs, if the asset is reasonably susceptible of division; or

7968 (B) allocate the asset to the [~~local~~] special district, if the asset is not reasonably
7969 susceptible of division.

7970 (g) All district assets remaining after application of Subsection (5)(f) shall be allocated
7971 to the [~~local~~] special district.

7972 (h) (i) The accounting consultant shall determine the withdrawn area's proportionate
7973 share of any redemption premium and the principal of and interest on:

7974 (A) the [~~local~~] special district's revenue bonds that were outstanding at the time the
7975 petition was filed;

7976 (B) the [~~local~~] special district's general obligation bonds that were outstanding at the
7977 time the petition was filed; and

7978 (C) the [~~local~~] special district's general obligation bonds that:

7979 (I) were outstanding at the time the petition was filed; and

7980 (II) are treated as revenue bonds under Subsection (5)(i); and

7981 (D) the district's bonds that were issued prior to the date the petition was filed to refund
7982 the district's revenue bonds, general obligation bonds, or general obligation bonds treated as
7983 revenue bonds.

7984 (ii) For purposes of Subsection (5)(h)(i), the withdrawn area's proportionate share of
7985 redemption premium, principal, and interest shall be the amount that bears the same
7986 relationship to the total redemption premium, principal, and interest for the entire district that
7987 the average annual gross revenues from the withdrawn area during the three most recent
7988 complete fiscal years before the filing of the petition bears to the average annual gross revenues
7989 from the entire district for the same period.

7990 (i) For purposes of Subsection (5)(h)(i), a district general obligation bond shall be
7991 treated as a revenue bond if:

7992 (i) the bond is outstanding on the date the petition was filed; and

7993 (ii) the principal of and interest on the bond, as of the date the petition was filed, had
7994 been paid entirely from [~~local~~] special district revenues and not from a levy of ad valorem tax.

7995 (j) (i) Before the board of trustees of the [local] special district files a resolution
7996 approving a withdrawal, the receiving entity, or in cases where there is no receiving entity, the
7997 sponsors of the petition shall irrevocably deposit government obligations, as defined in
7998 Subsection 11-27-2(6), into an escrow trust fund the principal of and interest on which are
7999 sufficient to provide for the timely payment of the amount determined by the accounting
8000 consultant under Subsection (5)(h) or in an amount mutually agreeable to the board of trustees
8001 of the [local] special district and the receiving entity, or in cases where there is no receiving
8002 entity, the board and the sponsors of the petition. Notwithstanding Subsection 17B-1-512(1),
8003 the board of trustees may not be required to file a resolution approving a withdrawal until the
8004 requirements for establishing and funding an escrow trust fund in this Subsection (5)(j)(i) have
8005 been met; provided that, if the escrow trust fund has not been established and funded within
8006 180 days after the board of trustees passes a resolution approving a withdrawal, the resolution
8007 approving the withdrawal shall be void.

8008 (ii) Concurrently with the creation of the escrow, the receiving entity, or in cases where
8009 there is no receiving entity, the sponsors of the petition shall provide to the board of trustees of
8010 the [local] special district:

8011 (A) a written opinion of an attorney experienced in the tax-exempt status of municipal
8012 bonds stating that the establishment and use of the escrow to pay the proportionate share of the
8013 district's outstanding revenue bonds and general obligation bonds that are treated as revenue
8014 bonds will not adversely affect the tax-exempt status of the bonds; and

8015 (B) a written opinion of an independent certified public accountant verifying that the
8016 principal of and interest on the deposited government obligations are sufficient to provide for
8017 the payment of the withdrawn area's proportionate share of the bonds as provided in Subsection
8018 (5)(h).

8019 (iii) The receiving entity, or in cases where there is no receiving entity, the sponsors of
8020 the petition shall bear all expenses of the escrow and the redemption of the bonds.

8021 (iv) The receiving entity may issue bonds under Title 11, Chapter 14, Local
8022 Government Bonding Act, and Title 11, Chapter 27, Utah Refunding Bond Act, to fund the
8023 escrow.

8024 (6) A requirement imposed by the board of trustees as a condition to withdrawal under
8025 Subsection (5) shall, in addition to being expressed in the resolution, be reduced to a duly

8026 authorized and executed written agreement between the parties to the withdrawal.

8027 (7) An area that is the subject of a withdrawal petition under Section 17B-1-504 that
8028 results in a board of trustees resolution denying the proposed withdrawal may not be the
8029 subject of another withdrawal petition under Section 17B-1-504 for two years after the date of
8030 the board of trustees resolution denying the withdrawal.

8031 Section 137. Section 17B-1-511 is amended to read:

8032 **17B-1-511. Continuation of tax levy after withdrawal to pay for proportionate**
8033 **share of district bonds.**

8034 (1) Other than as provided in Subsection (2), and unless an escrow trust fund is
8035 established and funded pursuant to Subsection 17B-1-510(5)(j), property within the withdrawn
8036 area shall continue after withdrawal to be taxable by the ~~[local]~~ special district:

8037 (a) for the purpose of paying the withdrawn area's just proportion of the ~~[local]~~ special
8038 district's general obligation bonds or lease obligations payable from property taxes with respect
8039 to lease revenue bonds issued by a local building authority on behalf of the ~~[local]~~ special
8040 district, other than those bonds treated as revenue bonds under Subsection 17B-1-510(5)(i),
8041 until the bonded indebtedness has been satisfied; and

8042 (b) to the extent and for the years necessary to generate sufficient revenue that, when
8043 combined with the revenues from the district remaining after withdrawal, is sufficient to
8044 provide for the payment of principal and interest on the district's general obligation bonds that
8045 are treated as revenue bonds under Subsection 17B-1-510(5)(i).

8046 (2) For a ~~[local]~~ special district funded predominately by revenues other than property
8047 taxes, service charges, or assessments based upon an allotment of acre-feet of water, property
8048 within the withdrawn area shall continue to be taxable by the ~~[local]~~ special district for
8049 purposes of paying the withdrawn area's proportionate share of bonded indebtedness or
8050 judgments against the ~~[local]~~ special district incurred prior to the date the petition was filed.

8051 (3) Except as provided in Subsections (1) and (2), upon withdrawal, the withdrawing
8052 area is relieved of all other taxes, assessments, and charges levied by the district, including
8053 taxes and charges for the payment of revenue bonds and maintenance and operation cost of the
8054 ~~[local]~~ special district.

8055 Section 138. Section 17B-1-512 is amended to read:

8056 **17B-1-512. Filing of notice and plat -- Recording requirements -- Contest period**

8057 -- **Judicial review.**

8058 (1) (a) Within the time specified in Subsection (1)(b), the board of trustees shall file
8059 with the lieutenant governor:

8060 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
8061 that meets the requirements of Subsection 67-1a-6.5(3); and

8062 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

8063 (b) The board of trustees shall file the documents listed in Subsection (1)(a):

8064 (i) within 10 days after adopting a resolution approving a withdrawal under Section
8065 17B-1-510;

8066 (ii) on or before January 31 of the year following the board of trustees' receipt of a
8067 notice or copy described in Subsection (1)(c), if the board of trustees receives the notice or
8068 copy between July 1 and December 31; or

8069 (iii) on or before the July 31 following the board of trustees' receipt of a notice or copy
8070 described in Subsection (1)(c), if the board of trustees receives the notice or copy between
8071 January 1 and June 30.

8072 (c) The board of trustees shall comply with the requirements described in Subsection
8073 (1)(b)(ii) or (iii) after:

8074 (i) receiving:

8075 (A) a notice under Subsection 10-2-425(2) of an automatic withdrawal under
8076 Subsection 17B-1-502(2);

8077 (B) a copy of the municipal legislative body's resolution approving an automatic
8078 withdrawal under Subsection 17B-1-502(3)(a); or

8079 (C) notice of a withdrawal of a municipality from a [~~local~~] special district under
8080 Section 17B-1-502; or

8081 (ii) entering into an agreement with a municipality under Subsection
8082 17B-1-505(5)(a)(ii)(A) or (5)(b).

8083 (d) Upon the lieutenant governor's issuance of a certificate of withdrawal under Section
8084 67-1a-6.5, the board shall:

8085 (i) if the withdrawn area is located within the boundary of a single county, submit to
8086 the recorder of that county:

8087 (A) the original:

- 8088 (I) notice of an impending boundary action;
- 8089 (II) certificate of withdrawal; and
- 8090 (III) approved final local entity plat; and
- 8091 (B) if applicable, a certified copy of the resolution or notice referred to in Subsection
- 8092 (1)(b); or
- 8093 (ii) if the withdrawn area is located within the boundaries of more than a single county,
- 8094 submit:
- 8095 (A) the original of the documents listed in Subsections (1)(d)(i)(A)(I), (II), and (III)
- 8096 and, if applicable, a certified copy of the resolution or notice referred to in Subsection (1)(b) to
- 8097 one of those counties; and
- 8098 (B) a certified copy of the documents listed in Subsections (1)(d)(i)(A)(I), (II), and (III)
- 8099 and a certified copy of the resolution or notice referred to in Subsection (1)(b) to each other
- 8100 county.
- 8101 (2) (a) Upon the lieutenant governor's issuance of the certificate of withdrawal under
- 8102 Section 67-1a-6.5 for a withdrawal under Section 17B-1-510, for an automatic withdrawal
- 8103 under Subsection 17B-1-502(3), or for the withdrawal of a municipality from a ~~[local]~~ special
- 8104 district under Section 17B-1-505, the withdrawal shall be effective, subject to the conditions of
- 8105 the withdrawal resolution, if applicable.
- 8106 (b) An automatic withdrawal under Subsection 17B-1-502(3) shall be effective upon
- 8107 the lieutenant governor's issuance of a certificate of withdrawal under Section 67-1a-6.5.
- 8108 (3) (a) The ~~[local]~~ special district may provide for the publication of any resolution
- 8109 approving or denying the withdrawal of an area:
- 8110 (i) in a newspaper of general circulation in the area proposed for withdrawal; and
- 8111 (ii) as required in Section 45-1-101.
- 8112 (b) In lieu of publishing the entire resolution, the ~~[local]~~ special district may publish a
- 8113 notice of withdrawal or denial of withdrawal, containing:
- 8114 (i) the name of the ~~[local]~~ special district;
- 8115 (ii) a description of the area proposed for withdrawal;
- 8116 (iii) a brief explanation of the grounds on which the board of trustees determined to
- 8117 approve or deny the withdrawal; and
- 8118 (iv) the times and place where a copy of the resolution may be examined, which shall

8119 be at the place of business of the [local] special district, identified in the notice, during regular
8120 business hours of the [local] special district as described in the notice and for a period of at
8121 least 30 days after the publication of the notice.

8122 (4) Any sponsor of the petition or receiving entity may contest the board's decision to
8123 deny a withdrawal of an area from the [local] special district by submitting a request, within 60
8124 days after the resolution is adopted under Section 17B-1-510, to the board of trustees,
8125 suggesting terms or conditions to mitigate or eliminate the conditions upon which the board of
8126 trustees based its decision to deny the withdrawal.

8127 (5) Within 60 days after the request under Subsection (4) is submitted to the board of
8128 trustees, the board may consider the suggestions for mitigation and adopt a resolution
8129 approving or denying the request in the same manner as provided in Section 17B-1-510 with
8130 respect to the original resolution denying the withdrawal and file a notice of the action as
8131 provided in Subsection (1).

8132 (6) (a) Any person in interest may seek judicial review of:

8133 (i) the board of trustees' decision to withdraw an area from the [local] special district;

8134 (ii) the terms and conditions of a withdrawal; or

8135 (iii) the board's decision to deny a withdrawal.

8136 (b) Judicial review under this Subsection (6) shall be initiated by filing an action in the
8137 district court in the county in which a majority of the area proposed to be withdrawn is located:

8138 (i) if the resolution approving or denying the withdrawal is published under Subsection
8139 (3), within 60 days after the publication or after the board of trustees' denial of the request
8140 under Subsection (5);

8141 (ii) if the resolution is not published pursuant to Subsection (3), within 60 days after
8142 the resolution approving or denying the withdrawal is adopted; or

8143 (iii) if a request is submitted to the board of trustees of a [local] special district under
8144 Subsection (4), and the board adopts a resolution under Subsection (5), within 60 days after the
8145 board adopts a resolution under Subsection (5) unless the resolution is published under
8146 Subsection (3), in which event the action shall be filed within 60 days after the publication.

8147 (c) A court in which an action is filed under this Subsection (6) may not overturn, in
8148 whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:

8149 (i) the court finds the board of trustees' decision to be arbitrary or capricious; or

8150 (ii) the court finds that the board materially failed to follow the procedures set forth in
8151 this part.

8152 (d) A court may award costs and expenses of an action under this section, including
8153 reasonable attorney fees, to the prevailing party.

8154 (7) After the applicable contest period under Subsection (4) or (6), no person may
8155 contest the board of trustees' approval or denial of withdrawal for any cause.

8156 Section 139. Section **17B-1-513** is amended to read:

8157 **17B-1-513. Termination of terms of trustees representing withdrawn areas.**

8158 (1) Except as provided in Subsection (4), on the effective date of withdrawal of an area
8159 from a [local] special district, any trustee residing in the withdrawn area shall cease to be a
8160 member of the board of trustees of the [local] special district.

8161 (2) Except as provided in Subsection (4), if the [local] special district has been divided
8162 into divisions for the purpose of electing or appointing trustees and the area withdrawn from a
8163 district constitutes all or substantially all of the area in a division of the [local] special district
8164 that is represented by a member of the board of trustees, on the effective date of the
8165 withdrawal, the trustee representing the division shall cease to be a member of the board of
8166 trustees of the [local] special district.

8167 (3) In the event of a vacancy on the board of trustees as a result of an area being
8168 withdrawn from the [local] special district:

8169 (a) the board of trustees shall reduce the number of trustees of the [local] special
8170 district as provided by law; or

8171 (b) the trustee vacancy shall be filled as provided by law.

8172 (4) Subsections (1) and (2) apply only to a trustee who is required by law to be a
8173 resident of the [local] special district or of a particular division within the [local] special
8174 district.

8175 Section 140. Section **17B-1-601** is amended to read:

8176 **Part 6. Fiscal Procedures for Special Districts**

8177 **17B-1-601. Definitions.**

8178 As used in this part:

8179 (1) "Appropriation" means an allocation of money by the board of trustees for a
8180 specific purpose.

8181 (2) "Budget" means a plan of financial operations for a fiscal year which embodies
8182 estimates of proposed expenditures for given purposes and the proposed means of financing
8183 them, and may refer to the budget of a particular fund for which a budget is required by law or
8184 it may refer collectively to the budgets for all such funds.

8185 (3) "Budget officer" means the person appointed by the [~~local~~] special district board of
8186 trustees to prepare the budget for the district.

8187 (4) "Budget year" means the fiscal year for which a budget is prepared.

8188 (5) "Calendar year entity" means a [~~local~~] special district whose fiscal year begins
8189 January 1 and ends December 31 of each calendar year as described in Section 17B-1-602.

8190 (6) "Current year" means the fiscal year in which a budget is prepared and adopted,
8191 which is the fiscal year next preceding the budget year.

8192 (7) "Deficit" has the meaning given under generally accepted accounting principles as
8193 reflected in the Uniform Accounting Manual for [~~Local~~] Special Districts.

8194 (8) "Estimated revenue" means the amount of revenue estimated to be received from all
8195 sources during the budget year in each fund for which a budget is being prepared.

8196 (9) "Financial officer" means the official under Section 17B-1-642.

8197 (10) "Fiscal year" means the annual period for accounting for fiscal operations in each
8198 district.

8199 (11) "Fiscal year entity" means a [~~local~~] special district whose fiscal year begins July 1
8200 of each year and ends on June 30 of the following year as described in Section 17B-1-602.

8201 (12) "Fund" has the meaning given under generally accepted accounting principles as
8202 reflected in the Uniform Accounting Manual for [~~Local~~] Special Districts.

8203 (13) "Fund balance" has the meaning given under generally accepted accounting
8204 principles as reflected in the Uniform Accounting Manual for [~~Local~~] Special Districts.

8205 (14) "General fund" is as defined by the Governmental Accounting Standards Board as
8206 reflected in the Uniform Accounting Manual for All Local Governments prepared by the Office
8207 of the Utah State Auditor.

8208 (15) "Governmental funds" means the general fund, special revenue fund, debt service
8209 fund, and capital projects fund of a [~~local~~] special district.

8210 (16) "Interfund loan" means a loan of cash from one fund to another, subject to future
8211 repayment.

8212 (17) "Last completed fiscal year" means the fiscal year next preceding the current fiscal
8213 year.

8214 [~~(18)~~ "Local district general fund" means the general fund used by a local district.]

8215 [~~(19)~~ (18) "Proprietary funds" means enterprise funds and the internal service funds of
8216 a ~~[local]~~ special district.

8217 [~~(20)~~ (19) "Public funds" means any money or payment collected or received by an
8218 officer or employee of a ~~[local]~~ special district acting in an official capacity and includes
8219 money or payment to the officer or employee for services or goods provided by the district, or
8220 the officer or employee while acting within the scope of employment or duty.

8221 [~~(21)~~ (20) "Retained earnings" has the meaning given under generally accepted
8222 accounting principles as reflected in the Uniform Accounting Manual for ~~[Local]~~ Special
8223 Districts.

8224 (21) "Special district general fund" means the general fund used by a special district.

8225 (22) "Special fund" means any ~~[local]~~ special district fund other than the ~~[local]~~ special
8226 district's general fund.

8227 Section 141. Section **17B-1-602** is amended to read:

8228 **17B-1-602. Fiscal year.**

8229 The fiscal year of each ~~[local]~~ special district shall be, as determined by the board of
8230 trustees:

8231 (1) the calendar year; or

8232 (2) the period from July 1 to the following June 30.

8233 Section 142. Section **17B-1-603** is amended to read:

8234 **17B-1-603. Uniform accounting system.**

8235 The accounting records of each ~~[local]~~ special district shall be established and
8236 maintained, and financial statements prepared from those records, in conformance with
8237 generally accepted accounting principles promulgated from time to time by authoritative bodies
8238 in the United States.

8239 Section 143. Section **17B-1-604** is amended to read:

8240 **17B-1-604. Funds and account groups maintained.**

8241 Each district shall maintain, according to its own accounting needs, some or all of the
8242 funds and account groups in its system of accounts, as prescribed in the Uniform Accounting

8243 Manual for [~~Local~~] Special Districts.

8244 Section 144. Section **17B-1-605** is amended to read:

8245 **17B-1-605. Budget required for certain funds -- Capital projects fund.**

8246 (1) The budget officer of each [~~local~~] special district shall prepare for each budget year
8247 a budget for each of the following funds:

8248 (a) the General Fund;

8249 (b) special revenue funds;

8250 (c) debt service funds;

8251 (d) capital projects funds;

8252 (e) proprietary funds, in accordance with Section [17B-1-629](#);

8253 (f) if the [~~local~~] special district has a local fund, as defined in Section [53-2a-602](#), the
8254 local fund; and

8255 (g) any other fund or funds for which a budget is required by the uniform system of
8256 budgeting, accounting, and reporting.

8257 (2) (a) Major capital improvements financed by general obligation bonds, capital
8258 grants, or interfund transfers shall use a capital projects fund budget unless the improvements
8259 financed are to be used for proprietary type activities.

8260 (b) The [~~local~~] special district shall prepare a separate budget for the term of the
8261 projects as well as the annual budget required under Subsection (1).

8262 Section 145. Section **17B-1-606** is amended to read:

8263 **17B-1-606. Total of revenues to equal expenditures.**

8264 (1) The budget for each fund under Section [17B-1-605](#) shall provide a financial plan
8265 for the budget year.

8266 (2) Each budget shall specify in tabular form:

8267 (a) estimates of all anticipated revenues, classified by the account titles prescribed in
8268 the Uniform Accounting Manual for [~~Local~~] Special Districts; and

8269 (b) all appropriations for expenditures, classified by the account titles prescribed in the
8270 Uniform Accounting Manual for [~~Local~~] Special Districts.

8271 (3) The total of the anticipated revenues shall equal the total of appropriated
8272 expenditures.

8273 Section 146. Section **17B-1-607** is amended to read:

8274 **17B-1-607. Tentative budget to be prepared -- Review by governing body.**

8275 (1) On or before the first regularly scheduled meeting of the board of trustees in
8276 November for a calendar year entity and May for a fiscal year entity, the budget officer of each
8277 [local] special district shall prepare for the ensuing year, in a format prescribed by the state
8278 auditor, and file with the board of trustees a tentative budget for each fund for which a budget
8279 is required.

8280 (2) (a) Each tentative budget under Subsection (1) shall provide in tabular form:

- 8281 (i) actual revenues and expenditures for the last completed fiscal year;
- 8282 (ii) estimated total revenues and expenditures for the current fiscal year; and
- 8283 (iii) the budget officer's estimates of revenues and expenditures for the budget year.

8284 (b) The budget officer shall estimate the amount of revenue available to serve the needs
8285 of each fund, estimate the portion to be derived from all sources other than general property
8286 taxes, and estimate the portion that shall be derived from general property taxes.

8287 (3) The tentative budget, when filed by the budget officer with the board of trustees,
8288 shall contain the estimates of expenditures together with specific work programs and any other
8289 supporting data required by this part or requested by the board.

8290 (4) The board of trustees shall review, consider, and tentatively adopt the tentative
8291 budget in any regular meeting or special meeting called for that purpose and may amend or
8292 revise the tentative budget in any manner that the board considers advisable prior to public
8293 hearings, but no appropriation required for debt retirement and interest or reduction of any
8294 existing deficits under Section 17B-1-613, or otherwise required by law, may be reduced below
8295 the minimums so required.

8296 (5) When a new district is created, the board of trustees shall:

- 8297 (a) prepare a budget covering the period from the date of incorporation to the end of
8298 the fiscal year;
- 8299 (b) substantially comply with all other provisions of this part with respect to notices
8300 and hearings; and
- 8301 (c) pass the budget as soon after incorporation as feasible.

8302 Section 147. Section 17B-1-609 is amended to read:

8303 **17B-1-609. Hearing to consider adoption -- Notice.**

8304 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

8305 (a) establish the time and place of a public hearing to consider its adoption; and

8306 (b) except as provided in Subsection (6), order that notice of the hearing:

8307 (i) be posted in three public places within the district; and

8308 (ii) be published at least seven days before the hearing on the Utah Public Notice

8309 Website created in Section [63A-16-601](#).

8310 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
8311 required in Subsection (1)(b):

8312 (a) may be combined with the notice required under Section [59-2-919](#); and

8313 (b) shall be published in accordance with the advertisement provisions of Section
8314 [59-2-919](#).

8315 (3) If the budget hearing is to be held in conjunction with a fee increase hearing, the
8316 notice required in Subsection (1)(b):

8317 (a) may be combined with the notice required under Section [17B-1-643](#); and

8318 (b) shall be published or mailed in accordance with the notice provisions of Section
8319 [17B-1-643](#).

8320 (4) Proof that notice was given in accordance with Subsection (1)(b), (2), (3), or (6) is
8321 prima facie evidence that notice was properly given.

8322 (5) If a notice required under Subsection (1)(b), (2), (3), or (6) is not challenged within
8323 30 days after the day on which the hearing is held, the notice is adequate and proper.

8324 (6) A board of trustees of a ~~[local]~~ special district with an annual operating budget of
8325 less than \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:

8326 (a) mailing a written notice, postage prepaid, to each voter in the ~~[local]~~ special
8327 district; and

8328 (b) posting the notice in three public places within the district.

8329 Section 148. Section **17B-1-612** is amended to read:

8330 **17B-1-612. Accumulated fund balances -- Limitations -- Excess balances --**

8331 **Unanticipated excess of revenues -- Reserves for capital projects.**

8332 (1) (a) A ~~[local]~~ special district may accumulate retained earnings or fund balances, as
8333 appropriate, in any fund.

8334 (b) For the general fund only, a ~~[local]~~ special district may only use an accumulated
8335 fund balance to:

8336 (i) provide working capital to finance expenditures from the beginning of the budget
8337 year until general property taxes or other applicable revenues are collected, subject to
8338 Subsection (1)(c);

8339 (ii) provide a resource to meet emergency expenditures under Section 17B-1-623; and

8340 (iii) cover a pending year-end excess of expenditures over revenues from an
8341 unavoidable shortfall in revenues, subject to Subsection (1)(d).

8342 (c) Subsection (1)(b)(i) does not authorize a [local] special district to appropriate a
8343 fund balance for budgeting purposes, except as provided in Subsection (4).

8344 (d) Subsection (1)(b)(iii) does not authorize a [local] special district to appropriate a
8345 fund balance to avoid an operating deficit during a budget year except:

8346 (i) as provided under Subsection (4); or

8347 (ii) for emergency purposes under Section 17B-1-623.

8348 (2) (a) Except as provided in Subsection (2)(b), the accumulation of a fund balance in
8349 the general fund may not exceed the most recently adopted general fund budget, plus 100% of
8350 the current year's property tax.

8351 (b) Notwithstanding Subsection (2)(a), a [local] special district may accumulate in the
8352 general fund mineral lease revenue that the [local] special district receives from the United
8353 States under the Mineral Lands Leasing Act, 30 U.S.C. Sec. 181 et seq., through a distribution
8354 under:

8355 (i) Title 35A, Chapter 8, Part 3, Community Impact Fund Act; or

8356 (ii) Title 59, Chapter 21, Mineral Lease Funds.

8357 (3) If the fund balance at the close of any fiscal year exceeds the amount permitted
8358 under Subsection (2), the district shall appropriate the excess in accordance with Section
8359 17B-1-613.

8360 (4) A [local] special district may utilize any fund balance in excess of 5% of the total
8361 revenues of the general fund for budget purposes.

8362 (5) (a) Within a capital projects fund, the board of trustees may, in any budget year,
8363 appropriate from estimated revenue or fund balance to a reserve for capital projects for the
8364 purpose of financing future specific capital projects, including new construction, capital
8365 repairs, replacement, and maintenance, under a formal long-range capital plan that the board of
8366 trustees adopts.

8367 (b) A [local] special district may allow a reserve amount under Subsection (5)(a) to
8368 accumulate from year to year until the accumulated total is sufficient to permit economical
8369 expenditure for the specified purposes.

8370 (c) A [local] special district may disburse from a reserve account under Subsection
8371 (5)(a) only by a budget appropriation that the [local] special district adopts in accordance with
8372 this part.

8373 (d) A [local] special district shall ensure that the expenditures from the appropriation
8374 budget accounts described in this Subsection (5) conform to all requirements of this part
8375 relating to execution and control of budgets.

8376 Section 149. Section **17B-1-613** is amended to read:

8377 **17B-1-613. Appropriations not to exceed estimated expendable revenue --**
8378 **Appropriations for existing deficits.**

8379 (1) The board of trustees of a [local] special district may not make any appropriation in
8380 the final budget of any fund in excess of the estimated expendable revenue for the budget year
8381 of the fund.

8382 (2) If there is a deficit fund balance in a fund at the close of the last completed fiscal
8383 year, the board of trustees of a [local] special district shall include an item of appropriation for
8384 the deficit in the current budget of the fund equal to:

8385 (a) at least 5% of the total revenue of the fund in the last completed fiscal year; or

8386 (b) if the deficit is equal to less than 5% of the total revenue of the fund in the last
8387 completed fiscal year, the entire amount of the deficit.

8388 (3) The provisions of this section do not require a [local] special district to add revenue
8389 to a fund that is used for debt service of a limited obligation, unless the revenue is pledged
8390 toward the limited obligation.

8391 Section 150. Section **17B-1-614** is amended to read:

8392 **17B-1-614. Adoption of final budget -- Certification and filing.**

8393 (1) The board of trustees of each [local] special district shall by resolution adopt a
8394 budget for the ensuing fiscal year for each fund for which a budget is required under this part
8395 prior to the beginning of the fiscal year, except as provided in Sections [59-2-919](#) through
8396 [59-2-923](#).

8397 (2) The [local] special district's budget officer shall certify a copy of the final budget

8398 for each fund and file it with the state auditor within 30 days after adoption.

8399 Section 151. Section **17B-1-615** is amended to read:

8400 **17B-1-615. Budgets in effect for budget year.**

8401 (1) Upon final adoption, each budget shall be in effect for the budget year, subject to
8402 amendment as provided in this part.

8403 (2) A certified copy of the adopted budgets shall be filed in the special district office
8404 and shall be available to the public during regular business hours.

8405 Section 152. Section **17B-1-617** is amended to read:

8406 **17B-1-617. Fund expenditures -- Budget officer's duties.**

8407 (1) The budget officer of each [~~local~~] special district shall require all expenditures
8408 within each fund to conform with the fund budget.

8409 (2) No appropriation may be encumbered and no expenditure may be made against any
8410 fund appropriation unless there is sufficient unencumbered balance in the fund's appropriation,
8411 except in cases of emergency as provided in Section **17B-1-623**.

8412 Section 153. Section **17B-1-618** is amended to read:

8413 **17B-1-618. Purchasing procedures.**

8414 All purchases or encumbrances by a [~~local~~] special district shall be made or incurred
8415 according to the purchasing procedures established by each district by resolution and only on
8416 an order or approval of the person or persons duly authorized.

8417 Section 154. Section **17B-1-619** is amended to read:

8418 **17B-1-619. Expenditures or encumbrances in excess of appropriations prohibited**
8419 **-- Processing claims.**

8420 (1) A [~~local~~] special district may not make or incur expenditures or encumbrances in
8421 excess of total appropriations in the budget as adopted or as subsequently amended.

8422 (2) An obligation contracted by any officer in excess of total appropriations in the
8423 budget is not enforceable against the district.

8424 (3) No check or warrant to cover a claim against an appropriation may be drawn until
8425 the claim has been processed as provided by this part.

8426 Section 155. Section **17B-1-620** is amended to read:

8427 **17B-1-620. Transfer of appropriation balance between accounts in same fund.**

8428 (1) The board of trustees of each [~~local~~] special district shall establish policies for the

8429 transfer of any unencumbered or unexpended appropriation balance or portion of the balance
8430 from one account in a fund to another account within the same fund, subject to Subsection (2).

8431 (2) An appropriation for debt retirement and interest, reduction of deficit, or other
8432 appropriation required by law or covenant may not be reduced below the minimums required.

8433 Section 156. Section **17B-1-621** is amended to read:

8434 **17B-1-621. Review of individual governmental fund budgets -- Hearing.**

8435 (1) The board of trustees of a [~~local~~] special district may, at any time during the budget
8436 year, review the individual budgets of the governmental funds for the purpose of determining if
8437 the total of any of them should be increased.

8438 (2) If the board of trustees decides that the budget total of one or more of these funds
8439 should be increased, it shall follow the procedures established in Sections **17B-1-609** and
8440 **17B-1-610** for holding a public hearing.

8441 Section 157. Section **17B-1-623** is amended to read:

8442 **17B-1-623. Emergency expenditures.**

8443 The board of trustees of a [~~local~~] special district may, by resolution, amend a budget
8444 and authorize an expenditure of money that results in a deficit in the district's general fund
8445 balance if:

8446 (1) the board determines that:

8447 (a) an emergency exists; and

8448 (b) the expenditure is reasonably necessary to meet the emergency; and

8449 (2) the expenditure is used to meet the emergency.

8450 Section 158. Section **17B-1-626** is amended to read:

8451 **17B-1-626. Loans by one fund to another.**

8452 (1) Subject to this section, restrictions imposed by bond covenants, restrictions in
8453 Section **53-2a-605**, or other controlling regulations, the board of trustees of a [~~local~~] special
8454 district may authorize an interfund loan from one fund to another.

8455 (2) An interfund loan under Subsection (1) shall be in writing and specify the terms
8456 and conditions of the loan, including the:

8457 (a) effective date of the loan;

8458 (b) name of the fund loaning the money;

8459 (c) name of the fund receiving the money;

- 8460 (d) amount of the loan;
- 8461 (e) subject to Subsection (3), term of and repayment schedule for the loan;
- 8462 (f) subject to Subsection (4), interest rate of the loan;
- 8463 (g) method of calculating interest applicable to the loan;
- 8464 (h) procedures for:
- 8465 (i) applying interest to the loan; and
- 8466 (ii) paying interest on the loan; and
- 8467 (i) other terms and conditions the board of trustees determines applicable.
- 8468 (3) The term and repayment schedule specified under Subsection (2)(e) may not exceed
- 8469 10 years.
- 8470 (4) (a) In determining the interest rate of the loan specified under Subsection (2)(f), the
- 8471 board of trustees shall apply an interest rate that reflects the rate of potential gain had the funds
- 8472 been deposited or invested in a comparable investment.
- 8473 (b) Notwithstanding Subsection (4)(a), the interest rate of the loan specified under
- 8474 Subsection (2)(f):
- 8475 (i) if the term of the loan under Subsection (2)(e) is one year or less, may not be less
- 8476 than the rate offered by the Public Treasurers' Investment Fund that was created for public
- 8477 funds transferred to the state treasurer in accordance with Section 51-7-5; or
- 8478 (ii) if the term of the loan under Subsection (2)(e) is more than one year, may not be
- 8479 less than the greater of the rate offered by:
- 8480 (A) the Public Treasurers' Investment Fund that was created for public funds
- 8481 transferred to the state treasurer in accordance with Section 51-7-5; or
- 8482 (B) a United States Treasury note of a comparable term.
- 8483 (5) (a) For an interfund loan under Subsection (1), the board of trustees shall:
- 8484 (i) hold a public hearing;
- 8485 (ii) prepare a written notice of the date, time, place, and purpose of the hearing, and the
- 8486 proposed terms and conditions of the interfund loan under Subsection (2);
- 8487 (iii) provide notice of the public hearing in the same manner as required under Section
- 8488 17B-1-609 as if the hearing were a budget hearing; and
- 8489 (iv) authorize the interfund loan by resolution in a public meeting.
- 8490 (b) The notice and hearing requirements in Subsection (5)(a) are satisfied if the

8491 interfund loan is included in an original budget or in a subsequent budget amendment
8492 previously approved by the board of trustees for the current fiscal year.

8493 (6) Subsections (2) through (5) do not apply to an interfund loan if the interfund loan
8494 is:

8495 (a) a loan from the [local] special district general fund to any other fund of the [local]
8496 special district; or

8497 (b) a short-term advance from the [local] special district's cash and investment pool to
8498 individual funds that are repaid by the end of the fiscal year.

8499 Section 159. Section **17B-1-627** is amended to read:

8500 **17B-1-627. Property tax levy -- Time for setting -- Computation of total levy --**
8501 **Apportionment of proceeds -- Maximum levy.**

8502 (1) The board of trustees of each [local] special district authorized to levy a property
8503 tax, at a regular meeting or special meeting called for that purpose, shall, by resolution, set the
8504 real and personal property tax rate for various district purposes by the date set under Section
8505 [59-2-912](#), but the rate may be set at an appropriate later date in accordance with Sections
8506 [59-2-919](#) through [59-2-923](#).

8507 (2) In its computation of the total levy, the board of trustees shall determine the
8508 requirements of each fund for which property taxes are to be levied and shall specify in its
8509 resolution adopting the tax rate the amount apportioned to each fund.

8510 (3) The proceeds of the levy apportioned for general fund purposes shall be credited as
8511 revenue in the general fund.

8512 (4) The proceeds of the levy apportioned for special fund purposes shall be credited to
8513 the appropriate accounts in the applicable special funds.

8514 (5) The combined levies for each district for all purposes in any year, excluding the
8515 retirement of general obligation bonds and the payment of any interest on the bonds, and any
8516 taxes expressly authorized by law to be levied in addition, may not exceed the limit enumerated
8517 by the laws governing each district.

8518 Section 160. Section **17B-1-629** is amended to read:

8519 **17B-1-629. Operating and capital budgets.**

8520 (1) (a) As used in this section, "operating and capital budget" means a plan of financial
8521 operation for a proprietary or other required special fund, embodying estimates of operating

8522 resources and expenses and other outlays for a fiscal year.

8523 (b) Except as otherwise expressly provided, the reference to "budget" or "budgets" and
8524 the procedures and controls relating to them in other sections of this part do not apply or refer
8525 to the "operating and capital budgets" provided for in this section.

8526 (2) On or before the time the board of trustees adopts budgets for the governmental
8527 funds under Section 17B-1-605, it shall adopt for the ensuing year an operating and capital
8528 budget for each proprietary fund and shall adopt the type of budget for other special funds
8529 which is required by the Uniform Accounting Manual for ~~Local~~ Special Districts.

8530 (3) Operating and capital budgets shall be adopted and administered in the following
8531 manner:

8532 (a) (i) On or before the first regularly scheduled meeting of the board of trustees, in
8533 November for calendar year entities and May for fiscal year entities, the budget officer shall
8534 prepare for the ensuing fiscal year, and file with the board of trustees, a tentative operating and
8535 capital budget for each proprietary fund and for other required special funds, together with
8536 specific work programs and any other supporting data required by the board.

8537 (ii) If, within any proprietary fund, allocations or transfers that are not reasonable
8538 allocations of costs between funds are included in a tentative budget, a written notice of the
8539 date, time, place, and purpose of the hearing shall be mailed to utility fund customers at least
8540 seven days before the hearing.

8541 (iii) The purpose portion of the notice required under Subsection (3)(a)(ii) shall
8542 identify:

- 8543 (A) the enterprise utility fund from which money is being transferred;
- 8544 (B) the amount being transferred; and
- 8545 (C) the fund to which the money is being transferred.

8546 (b) (i) The board of trustees shall review and consider the tentative budgets at any
8547 regular meeting or special meeting called for that purpose.

8548 (ii) The board of trustees may make any changes in the tentative budgets that it
8549 considers advisable.

8550 (c) Budgets for proprietary or other required special funds shall comply with the public
8551 hearing requirements established in Sections 17B-1-609 and 17B-1-610.

8552 (d) (i) The board of trustees shall adopt an operating and capital budget for each

8553 proprietary fund for the ensuing fiscal year before the beginning of each fiscal year, except as
8554 provided in Sections 59-2-919 through 59-2-923.

8555 (ii) A copy of the budget as finally adopted for each proprietary fund shall be certified
8556 by the budget officer and filed by the officer in the district office and shall be available to the
8557 public during regular business hours.

8558 (iii) A copy of the budget shall also be filed with the state auditor within 30 days after
8559 adoption.

8560 (e) (i) Upon final adoption, the operating and capital budget is in effect for the budget
8561 year, subject to later amendment.

8562 (ii) During the budget year, the board of trustees may, in any regular meeting or special
8563 meeting called for that purpose, review any one or more of the operating and capital budgets
8564 for the purpose of determining if the total of any of them should be increased.

8565 (iii) If the board of trustees decides that the budget total of one or more of these
8566 proprietary funds should be increased, the board shall follow the procedures established in
8567 Section 17B-1-630.

8568 (f) Expenditures from operating and capital budgets shall conform to the requirements
8569 relating to budgets specified in Sections 17B-1-617 through 17B-1-620.

8570 Section 161. Section 17B-1-631 is amended to read:

8571 **17B-1-631. District clerk -- Meetings and records.**

8572 (1) The board of trustees of each [~~local~~] special district shall appoint a district clerk.

8573 (2) If required, the clerk may be chosen from among the members of the board of
8574 trustees, except the chair.

8575 (3) The district clerk or other appointed person shall attend the meetings and keep a
8576 record of the proceedings of the board of trustees.

8577 Section 162. Section 17B-1-632 is amended to read:

8578 **17B-1-632. District clerk -- Bookkeeping duties.**

8579 The district clerk or other designated person not performing treasurer duties shall
8580 maintain the financial records for each fund of the [~~local~~] special district and all related
8581 subsidiary records, including a list of the outstanding bonds, their purpose, amount, terms, date,
8582 and place payable.

8583 Section 163. Section 17B-1-633 is amended to read:

8584 **17B-1-633. District treasurer -- Duties generally.**

8585 (1) (a) The board of trustees of each [~~local~~] special district shall appoint a district
8586 treasurer.

8587 (b) (i) If required, the treasurer may be chosen from among the members of the board of
8588 trustees, except that the board chair may not be district treasurer.

8589 (ii) The district clerk may not also be the district treasurer.

8590 (2) The district treasurer is custodian of all money, bonds, or other securities of the
8591 district.

8592 (3) The district treasurer shall:

8593 (a) determine the cash requirements of the district and provide for the deposit and
8594 investment of all money by following the procedures and requirements of Title 51, Chapter 7,
8595 State Money Management Act;

8596 (b) receive all public funds and money payable to the district within three business days
8597 after collection, including all taxes, licenses, fines, and intergovernmental revenue;

8598 (c) keep an accurate detailed account of all money received under Subsection (3)(b) in
8599 the manner provided in this part and as directed by the district's board of trustees by resolution;
8600 and

8601 (d) collect all special taxes and assessments as provided by law and ordinance.

8602 Section 164. Section **17B-1-635** is amended to read:

8603 **17B-1-635. Duties with respect to issuance of checks.**

8604 (1) The district clerk or other designated person not performing treasurer duties shall
8605 prepare the necessary checks after having determined that:

8606 (a) the claim was authorized by:

8607 (i) the board of trustees; or

8608 (ii) the [~~local~~] special district financial officer, if the financial officer is not the clerk, in
8609 accordance with Section [17B-1-642](#);

8610 (b) the claim does not overexpend the appropriate departmental budget established by
8611 the board of trustees; and

8612 (c) the expenditure was approved in advance by the board of trustees or its designee.

8613 (2) (a) (i) The treasurer or any other person appointed by the board of trustees shall
8614 sign all checks.

8615 (ii) The person maintaining the financial records may not sign any single signature
8616 check.

8617 (b) In a [~~local~~] special district with an expenditure budget of less than \$50,000 per
8618 year, a member of the board of trustees shall also sign all checks.

8619 (c) Before affixing a signature, the treasurer or other designated person shall determine
8620 that a sufficient amount is on deposit in the appropriate bank account of the district to honor
8621 the check.

8622 Section 165. Section **17B-1-639** is amended to read:

8623 **17B-1-639. Annual financial reports -- Audit reports.**

8624 (1) Within 180 days after the close of each fiscal year, the district shall prepare an
8625 annual financial report in conformity with generally accepted accounting principles as
8626 prescribed in the Uniform Accounting Manual for [~~Local~~] Special Districts.

8627 (2) The requirement under Subsection (1) to prepare an annual financial report may be
8628 satisfied by presentation of the audit report furnished by the auditor.

8629 (3) Copies of the annual financial report or the audit report furnished by the auditor
8630 shall be filed with the state auditor and shall be filed as a public document in the district office.

8631 Section 166. Section **17B-1-640** is amended to read:

8632 **17B-1-640. Audits required.**

8633 (1) An audit of each [~~local~~] special district is required to be performed in conformity
8634 with Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal
8635 Organizations, and Other Local Entities Act.

8636 (2) The board of trustees shall appoint an auditor for the purpose of complying with the
8637 requirements of this section and with Title 51, Chapter 2a, Accounting Reports from Political
8638 Subdivisions, Interlocal Organizations, and Other Local Entities Act.

8639 Section 167. Section **17B-1-641** is amended to read:

8640 **17B-1-641. Special district may expand uniform procedures -- Limitation.**

8641 (1) Subject to Subsection (2), a [~~local~~] special district may expand the uniform
8642 accounting, budgeting, and reporting procedure prescribed in the Uniform Accounting Manual
8643 for [~~Local~~] Special Districts prepared by the state auditor under Subsection [67-3-1\(16\)](#), to
8644 better serve the needs of the district.

8645 (2) A [~~local~~] special district may not deviate from or alter the basic prescribed

8646 classification systems for the identity of funds and accounts set forth in the Uniform
8647 Accounting Manual for [~~local~~] Special Districts.

8648 Section 168. Section **17B-1-642** is amended to read:

8649 **17B-1-642. Approval of district expenditures.**

8650 (1) The board of trustees of each [~~local~~] special district shall approve all expenditures
8651 of the district except as otherwise provided in this section.

8652 (2) The board of trustees may authorize the district manager or other official approved
8653 by the board to act as the financial officer for the purpose of approving:

8654 (a) payroll checks, if the checks are prepared in accordance with a schedule approved
8655 by the board; and

8656 (b) routine expenditures, such as utility bills, payroll-related expenses, supplies, and
8657 materials.

8658 (3) Notwithstanding Subsection (2), the board of trustees shall, at least quarterly,
8659 review all expenditures authorized by the financial officer.

8660 (4) The board of trustees shall set a maximum sum over which all purchases may not
8661 be made without the board's approval.

8662 Section 169. Section **17B-1-643** is amended to read:

8663 **17B-1-643. Imposing or increasing a fee for service provided by special district.**

8664 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided
8665 by a [~~local~~] special district, each [~~local~~] special district board of trustees shall first hold a public
8666 hearing at which:

8667 (i) the [~~local~~] special district shall demonstrate its need to impose or increase the fee;
8668 and

8669 (ii) any interested person may speak for or against the proposal to impose a fee or to
8670 increase an existing fee.

8671 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning
8672 no earlier than 6 p.m.

8673 (c) A public hearing required under this Subsection (1) may be combined with a public
8674 hearing on a tentative budget required under Section **17B-1-610**.

8675 (d) Except to the extent that this section imposes more stringent notice requirements,
8676 the [~~local~~] special district board shall comply with Title 52, Chapter 4, Open and Public

8677 Meetings Act, in holding the public hearing under Subsection (1)(a).

8678 (2) (a) Each [local] special district board shall give notice of a hearing under
8679 Subsection (1) as provided in Subsections (2)(b) and (c) or Subsection (2)(d).

8680 (b) The [local] special district board shall:

8681 (i) post the notice required under Subsection (2)(a) on the Utah Public Notice Website,
8682 created in Section [63A-16-601](#); and

8683 (ii) post at least one of the notices required under Subsection (2)(a) per 1,000
8684 population within the [local] special district, at places within the [local] special district that are
8685 most likely to provide actual notice to residents within the [local] special district, subject to a
8686 maximum of 10 notices.

8687 (c) The notice described in Subsection (2)(b) shall state that the [local] special district
8688 board intends to impose or increase a fee for a service provided by the [local] special district
8689 and will hold a public hearing on a certain day, time, and place fixed in the notice, which shall
8690 be not less than seven days after the day the first notice is published, for the purpose of hearing
8691 comments regarding the proposed imposition or increase of a fee and to explain the reasons for
8692 the proposed imposition or increase.

8693 (d) (i) In lieu of providing notice under Subsection (2)(b), the [local] special district
8694 board of trustees may give the notice required under Subsection (2)(a) by mailing the notice to
8695 those within the district who:

8696 (A) will be charged the fee for a district service, if the fee is being imposed for the first
8697 time; or

8698 (B) are being charged a fee, if the fee is proposed to be increased.

8699 (ii) Each notice under Subsection (2)(d)(i) shall comply with Subsection (2)(c).

8700 (iii) A notice under Subsection (2)(d)(i) may accompany a district bill for an existing
8701 fee.

8702 (e) If the hearing required under this section is combined with the public hearing
8703 required under Section [17B-1-610](#), the notice required under this Subsection (2):

8704 (i) may be combined with the notice required under Section [17B-1-609](#); and

8705 (ii) shall be posted or mailed in accordance with the notice provisions of this section.

8706 (f) Proof that notice was given as provided in Subsection (2)(b) or (d) is prima facie
8707 evidence that notice was properly given.

8708 (g) If no challenge is made to the notice given of a hearing required by Subsection (1)
8709 within 30 days after the date of the hearing, the notice is considered adequate and proper.

8710 (3) After holding a public hearing under Subsection (1), a [local] special district board
8711 may:

8712 (a) impose the new fee or increase the existing fee as proposed;

8713 (b) adjust the amount of the proposed new fee or the increase of the existing fee and
8714 then impose the new fee or increase the existing fee as adjusted; or

8715 (c) decline to impose the new fee or increase the existing fee.

8716 (4) This section applies to each new fee imposed and each increase of an existing fee
8717 that occurs on or after July 1, 1998.

8718 (5) (a) This section does not apply to an impact fee.

8719 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36a,
8720 Impact Fees Act.

8721 Section 170. Section **17B-1-644** is amended to read:

8722 **17B-1-644. Definitions -- Electronic payments -- Fee.**

8723 (1) As used in this section:

8724 (a) "Electronic payment" means the payment of money to a [local] special district by
8725 electronic means, including by means of a credit card, charge card, debit card, prepaid or stored
8726 value card or similar device, or automatic clearinghouse transaction.

8727 (b) "Electronic payment fee" means an amount of money to defray the discount fee,
8728 processing fee, or other fee charged by a credit card company or processing agent to process an
8729 electronic payment.

8730 (c) "Processing agent" means a bank, transaction clearinghouse, or other third party
8731 that charges a fee to process an electronic payment.

8732 (2) A [local] special district may accept an electronic payment for the payment of funds
8733 which the [local] special district could have received through another payment method.

8734 (3) A [local] special district that accepts an electronic payment may charge an
8735 electronic payment fee.

8736 Section 171. Section **17B-1-645** is amended to read:

8737 **17B-1-645. Residential fee credit.**

8738 (1) A [local] special district may create a fee structure under this title that permits:

8739 (a) a home owner or residential tenant to file for a fee credit for a fee charged by the
8740 [~~local~~] special district, if the credit is based on:
8741 (i) the home owner's annual income; or
8742 (ii) the residential tenant's annual income; or
8743 (b) an owner of federally subsidized housing to file for a credit for a fee charged by the
8744 [~~local~~] special district.

8745 (2) If a [~~local~~] special district permits a person to file for a fee credit under Subsection
8746 (1)(a), the [~~local~~] special district shall make the credit available to:

8747 (a) a home owner; and
8748 (b) a residential tenant.

8749 Section 172. Section **17B-1-701** is amended to read:

8750 **17B-1-701. Definitions.**

8751 As used in this part:

8752 (1) "Audit reports" means the reports of any independent audit of the district performed
8753 by:

8754 (a) an independent auditor as required by Title 51, Chapter 2a, Accounting Reports
8755 from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;

8756 (b) the state auditor; or
8757 (c) the legislative auditor.

8758 (2) "Board" means the [~~local~~] special district board of trustees.

8759 (3) "Budget" means a plan of financial operations for a fiscal year that includes:

8760 (a) estimates of proposed expenditures for given purposes and the proposed means of
8761 financing them;

8762 (b) the source and amount of estimated revenue for the district for the fiscal year;

8763 (c) fund balance in each fund at the beginning of the fiscal year and the projected fund
8764 balance for each fund at the end of the fiscal year; and

8765 (d) capital projects or budgets for proposed construction or improvement to capital
8766 facilities within the district.

8767 (4) "Constituent entity" means any county, city, or town that levies property taxes
8768 within the boundaries of the district.

8769 (5) (a) "Customer agencies" means those governmental entities, except school districts,

8770 institutions of higher education, and federal government agencies that purchase or obtain
8771 services from the [local] special district.

8772 (b) "Customer agencies" for purposes of state agencies means the state auditor.

8773 Section 173. Section **17B-1-702** is amended to read:

8774 **17B-1-702. Special districts to submit budgets.**

8775 (1) (a) Except as provided in Subsection (1)(b), within 30 days after it is approved by
8776 the board, and at least 30 days before the board adopts a final budget, the board of each [local]
8777 special district with an annual budget of \$50,000 or more shall send a copy of its tentative
8778 budget and notice of the time and place for its budget hearing to:

8779 (i) each of its constituent entities that has in writing requested a copy; and

8780 (ii) to each of its customer agencies that has in writing requested a copy.

8781 (b) Within 30 days after it is approved by the board, and at least 30 days before the
8782 board adopts a final budget, the board of trustees of a large public transit district as defined in
8783 Section **17B-2a-802** shall send a copy of its tentative budget and notice of the time and place
8784 for its budget hearing to:

8785 (i) each of its constituent entities;

8786 (ii) each of its customer agencies that has in writing requested a copy;

8787 (iii) the governor; and

8788 (iv) the Legislature.

8789 (c) The [local] special district shall include with the tentative budget a signature sheet
8790 that includes:

8791 (i) language that the constituent entity or customer agency received the tentative budget
8792 and has no objection to it; and

8793 (ii) a place for the chairperson or other designee of the constituent entity or customer
8794 agency to sign.

8795 (2) Each constituent entity and each customer agency that receives the tentative budget
8796 shall review the tentative budget submitted by the district and either:

8797 (a) sign the signature sheet and return it to the district; or

8798 (b) attend the budget hearing or other meeting scheduled by the district to discuss the
8799 objections to the proposed budget.

8800 (3) (a) If any constituent entity or customer agency that received the tentative budget

8801 has not returned the signature sheet to the [local] special district within 15 calendar days after
8802 the tentative budget was mailed, the [local] special district shall send a written notice of the
8803 budget hearing to each constituent entity or customer agency that did not return a signature
8804 sheet and invite them to attend that hearing.

8805 (b) If requested to do so by any constituent entity or customer agency, the [local]
8806 special district shall schedule a meeting to discuss the budget with the constituent entities and
8807 customer agencies.

8808 (c) At the budget hearing, the [local] special district board shall:

8809 (i) explain its budget and answer any questions about it;

8810 (ii) specifically address any questions or objections raised by the constituent entity,
8811 customer agency, or those attending the meeting; and

8812 (iii) seek to resolve the objections.

8813 (4) Nothing in this part prevents a [local] special district board from approving or
8814 implementing a budget over any or all constituent entity's or customer agency's protests,
8815 objections, or failure to respond.

8816 Section 174. Section **17B-1-703** is amended to read:

8817 **17B-1-703. Special districts to submit audit reports.**

8818 (1) (a) Except as provided in Subsection (1)(b), within 30 days after it is presented to
8819 the board, the board of each [local] special district with an annual budget of \$50,000 or more
8820 shall send a copy of any audit report to:

8821 (i) each of its constituent entities that has in writing requested a copy; and

8822 (ii) each of its customer agencies that has in writing requested a copy.

8823 (b) Within 30 days after it is presented to the board, the board of a large public transit
8824 district as defined in Section **17B-2a-802** shall send a copy of its annual audit report to:

8825 (i) each of its constituent entities; and

8826 (ii) each of its customer agencies that has in writing requested a copy.

8827 (2) Each constituent entity and each customer agency that received the audit report
8828 shall review the audit report submitted by the district and, if necessary, request a meeting with
8829 the district board to discuss the audit report.

8830 (3) At the meeting, the [local] special district board shall:

8831 (a) answer any questions about the audit report; and

8832 (b) discuss their plans to implement suggestions made by the auditor.

8833 Section 175. Section **17B-1-801** is amended to read:

8834 **Part 8. Special District Personnel Management**

8835 **17B-1-801. Establishment of special district merit system.**

8836 (1) A merit system of personnel administration for the [~~local~~] special districts of the
8837 state, their departments, offices, and agencies, except as otherwise specifically provided, is
8838 established.

8839 (2) This part does not apply to a [~~local~~] special district with annual revenues less than
8840 \$50,000.

8841 Section 176. Section **17B-1-802** is amended to read:

8842 **17B-1-802. Review of personnel policies.**

8843 Each [~~local~~] special district that has full or part-time employees shall annually review
8844 its personnel policies to ensure that they conform to the requirements of state and federal law.

8845 Section 177. Section **17B-1-803** is amended to read:

8846 **17B-1-803. Merit principles.**

8847 A [~~local~~] special district may establish a personnel system administered in a manner
8848 that will provide for the effective implementation of merit principles that provide for:

8849 (1) recruiting, selecting, and advancing employees on the basis of their relative ability,
8850 knowledge, and skills, including open consideration of qualified applicants for initial
8851 appointment;

8852 (2) providing equitable and adequate compensation;

8853 (3) training employees as needed to assure high-quality performance;

8854 (4) retaining employees on the basis of the adequacy of their performance, and
8855 separation of employees whose inadequate performance cannot be corrected;

8856 (5) fair treatment of applicants and employees in all aspects of personnel
8857 administration without regard to race, color, religion, sex, national origin, political affiliation,
8858 age, or disability, and with proper regard for their privacy and constitutional rights as citizens;

8859 (6) providing information to employees regarding their political rights and prohibited
8860 practices under the Hatch Political Activities Act, 5 U.S.C. Sec. 1501 through 1508 et seq.; and

8861 (7) providing a formal procedure for processing the appeals and grievances of
8862 employees without discrimination, coercion, restraint, or reprisal.

8863 Section 178. Section **17B-1-804** is amended to read:

8864 **17B-1-804. Compliance with labor code requirements.**

8865 Each [local] special district shall comply with the requirements of Section [34-32-1.1](#).

8866 Section 179. Section **17B-1-805** is amended to read:

8867 **17B-1-805. Human resource management requirement.**

8868 (1) As used in this section:

8869 (a) "Governing body" means the same as that term is defined in Section [17B-1-201](#).

8870 (b) "Human resource management duties" means the exercise of human resource
8871 management functions and responsibilities, including:

8872 (i) complying with federal and state employment law;

8873 (ii) administering compensation and benefits; and

8874 (iii) ensuring employee safety.

8875 (c) "Human resource management training" means a program designed to instruct an
8876 individual on the performance of human resource management duties.

8877 (2) If a [local] special district has full or part-time employees, the governing body
8878 shall:

8879 (a) adopt human resource management policies;

8880 (b) assign human resource management duties to one of the district's employees or
8881 another person; and

8882 (c) ensure that the employee or person assigned under Subsection (2)(b) receives
8883 human resource management training.

8884 Section 180. Section **17B-1-901** is amended to read:

8885 **17B-1-901. Providing and billing for multiple commodities, services, or facilities**
8886 **-- Suspending service to a delinquent customer.**

8887 (1) If a [local] special district provides more than one commodity, service, or facility,
8888 the district may bill for the fees and charges for all commodities, services, and facilities in a
8889 single bill.

8890 (2) Regardless of the number of commodities, services, or facilities furnished by a
8891 [local] special district, the [local] special district may suspend furnishing any commodity,
8892 service, or facility to a customer if the customer fails to pay all fees and charges when due.

8893 (3) (a) Notwithstanding Subsection (2) and except as provided in Subsection (3)(b), a

8894 [local] special district may not suspend furnishing any commodity, service, or facility to a
8895 customer if discontinuance of the service is requested by a private third party, including an
8896 individual, a private business, or a nonprofit organization, that is not the customer.

8897 (b) (i) An owner of land or the owner's agent may request that service be temporarily
8898 discontinued for maintenance-related activities.

8899 (ii) An owner of land or the owner's agent may not request temporary discontinuance of
8900 service under Subsection (3)(b)(i) if the request is for the purpose of debt collection, eviction,
8901 or any other unlawful purpose.

8902 Section 181. Section **17B-1-902** is amended to read:

8903 **17B-1-902. Lien for past due service fees -- Notice -- Partial payment allocation.**

8904 (1) (a) A [local] special district may hold a lien on a customer's property for past due
8905 fees for commodities, services, or facilities that the district has provided to the customer's
8906 property by certifying, subject to Subsection (3), to the treasurer of the county in which the
8907 customer's property is located the amount of past due fees, including, subject to Section
8908 [17B-1-902.1](#), applicable interest and administrative costs.

8909 (b) (i) Upon certification under Subsection (1)(a), the past due fees, and if applicable,
8910 interest and administrative costs, become a political subdivision lien that is a nonrecurring tax
8911 notice charge, as those terms are defined in Section [11-60-102](#), on the customer's property to
8912 which the commodities, services, or facilities were provided in accordance with Title 11,
8913 Chapter 60, Political Subdivision Lien Authority.

8914 (ii) A lien described in this Subsection (1) has the same priority as, but is separate and
8915 distinct from, a property tax lien.

8916 (2) (a) If a [local] special district certifies past due fees under Subsection (1)(a), the
8917 treasurer of the county shall provide a notice, in accordance with this Subsection (2), to the
8918 owner of the property for which the [local] special district has incurred the past due fees.

8919 (b) In providing the notice required in Subsection (2)(a), the treasurer of the county
8920 shall:

8921 (i) include the amount of past due fees that a [local] special district has certified on or
8922 before July 15 of the current year;

8923 (ii) provide contact information, including a phone number, for the property owner to
8924 contact the [local] special district to obtain more information regarding the amount described in

8925 Subsection (2)(b)(i); and

8926 (iii) notify the property owner that:

8927 (A) if the amount described in Subsection (2)(b)(i) is not paid in full by September 15
8928 of the current year, any unpaid amount will be included on the property tax notice required by
8929 Section [59-2-1317](#); and

8930 (B) the failure to pay the amount described in Subsection (2)(b)(i) has resulted in a lien
8931 on the property in accordance with Subsection (1)(b).

8932 (c) The treasurer of the county shall provide the notice required by this Subsection (2)
8933 to a property owner on or before August 1.

8934 (3) (a) If a [~~local~~] special district certifies an unpaid amount in accordance with
8935 Subsection (1)(a), the county treasurer shall include the unpaid amount on a property tax notice
8936 issued in accordance with Section [59-2-1317](#).

8937 (b) If an unpaid fee, administrative cost, or interest is included on a property tax notice
8938 in accordance with Subsection (3)(a), the county treasurer shall on the property tax notice:

8939 (i) clearly state that the unpaid fee, administrative cost, or interest is for a service
8940 provided by the [~~local~~] special district; and

8941 (ii) itemize the unpaid fee, administrative cost, or interest separate from any other tax,
8942 fee, interest, or penalty that is included on the property tax notice in accordance with Section
8943 [59-2-1317](#).

8944 (4) A lien under Subsection (1) is not valid if the [~~local~~] special district makes
8945 certification under Subsection (1)(a) after the filing for record of a document conveying title of
8946 the customer's property to a new owner.

8947 (5) Nothing in this section may be construed to:

8948 (a) waive or release the customer's obligation to pay fees that the district has imposed;

8949 (b) preclude the certification of a lien under Subsection (1) with respect to past due
8950 fees for commodities, services, or facilities provided after the date that title to the property is
8951 transferred to a new owner; or

8952 (c) nullify or terminate a valid lien.

8953 (6) After all amounts owing under a lien established as provided in this section have
8954 been paid, the [~~local~~] special district shall file for record in the county recorder's office a
8955 release of the lien.

8956 Section 182. Section **17B-1-902.1** is amended to read:

8957 **17B-1-902.1. Interest -- Collection of administrative costs.**

8958 (1) (a) A [~~local~~] special district may charge interest on a past due fee or past due
8959 charge.

8960 (b) If a [~~local~~] special district charges interest as described in Subsection (1)(b), the
8961 [~~local~~] special district shall calculate the interest rate for a calendar year:

8962 (i) based on the federal short-term rate determined by the secretary of the treasury
8963 under Section 6621, Internal Revenue Code, in effect for the preceding fourth calendar quarter;
8964 and

8965 (ii) as simple interest at the rate of eighteen percentage points above the federal
8966 short-term rate.

8967 (c) If a [~~local~~] special district charges interest on a past due fee collected by the [~~local~~]
8968 special district, regardless of whether the fee is certified, the [~~local~~] special district may charge
8969 the interest monthly but may not compound the interest more frequently than annually.

8970 (2) (a) A [~~local~~] special district may charge and collect only one of the following:

8971 (i) a one-time penalty charge not to exceed 8% for a past-due fee; or

8972 (ii) an administrative cost for some or all of the following:

8973 (A) the collection cost of a past due fee or charge;

8974 (B) reasonable attorney fees actually incurred for collection and foreclosure costs, if
8975 applicable; and

8976 (C) any other cost.

8977 (b) A [~~local~~] special district may not charge interest on an administrative cost.

8978 Section 183. Section **17B-1-903** is amended to read:

8979 **17B-1-903. Authority to require written application for water or sewer service**
8980 **and to terminate for failure to pay -- Limitations.**

8981 (1) A [~~local~~] special district that owns or controls a system for furnishing water or
8982 providing sewer service or both may:

8983 (a) before furnishing water or providing sewer service to a property, require the
8984 property owner or an authorized agent to submit a written application, signed by the owner or
8985 an authorized agent, agreeing to pay for all water furnished or sewer service provided to the
8986 property, whether occupied by the owner or by a tenant or other occupant, according to the

8987 rules and regulations adopted by the [local] special district; and

8988 (b) if a customer fails to pay for water furnished or sewer service provided to the
8989 customer's property, discontinue furnishing water or providing sewer service to the property
8990 until all amounts for water furnished or sewer service provided are paid, subject to Subsection
8991 (2).

8992 (2) Unless a valid lien has been established as provided in Section 17B-1-902, has not
8993 been satisfied, and has not been terminated by a sale as provided in Section 17B-1-902, a
8994 [local] special district may not:

8995 (a) use a customer's failure to pay for water furnished or sewer service provided to the
8996 customer's property as a basis for not furnishing water or providing sewer service to the
8997 property after ownership of the property is transferred to a subsequent owner; or

8998 (b) require an owner to pay for water that was furnished or sewer service that was
8999 provided to the property before the owner's ownership.

9000 Section 184. Section 17B-1-904 is amended to read:

9001 **17B-1-904. Collection of service fees.**

9002 (1) As used in this section:

9003 (a) "Collection costs" means an amount, not to exceed \$20, to reimburse a [local]
9004 special district for expenses associated with its efforts to collect past due service fees from a
9005 customer.

9006 (b) "Customer" means the owner of real property to which a [local] special district has
9007 provided a service for which the [local] special district charges a service fee.

9008 (c) "Damages" means an amount equal to the greater of:

9009 (i) \$100; and

9010 (ii) triple the past due service fees.

9011 (d) "Default date" means the date on which payment for service fees becomes past due.

9012 (e) "Past due service fees" means service fees that on or after the default date have not
9013 been paid.

9014 (f) "Prelitigation damages" means an amount that is equal to the greater of:

9015 (i) \$50; and

9016 (ii) triple the past due service fees.

9017 (g) "Service fee" means an amount charged by a [local] special district to a customer

9018 for a service, including furnishing water, providing sewer service, and providing garbage
9019 collection service, that the district provides to the customer's property.

9020 (2) A customer is liable to a [local] special district for past due service fees and
9021 collection costs if:

9022 (a) the customer has not paid service fees before the default date;

9023 (b) the [local] special district mails the customer notice as provided in Subsection (4);

9024 and

9025 (c) the past due service fees remain unpaid 15 days after the [local] special district has
9026 mailed notice.

9027 (3) If a customer has not paid the [local] special district the past due service fees and
9028 collection costs within 30 days after the [local] special district mails notice, the [local] special
9029 district may make an offer to the customer that the [local] special district will forego filing a
9030 civil action under Subsection (5) if the customer pays the [local] special district an amount that:

9031 (a) consists of the past due service fees, collection costs, prelitigation damages, and, if
9032 the [local] special district retains an attorney to recover the past due service fees, a reasonable
9033 attorney fee not to exceed \$50; and

9034 (b) if the customer's property is residential, may not exceed \$100.

9035 (4) (a) Each notice under Subsection (2)(b) shall:

9036 (i) be in writing;

9037 (ii) be mailed to the customer by the United States mail, postage prepaid;

9038 (iii) notify the customer that:

9039 (A) if the past due service fees are not paid within 15 days after the day on which the
9040 [local] special district mailed notice, the customer is liable for the past due service fees and
9041 collection costs; and

9042 (B) the [local] special district may file civil action if the customer does not pay to the
9043 [local] special district the past due service fees and collection costs within 30 calendar days
9044 from the day on which the [local] special district mailed notice; and

9045 (iv) be in substantially the following form:

9046 Date: _____

9047 To: _____

9048 Service address: _____

9049 Account or invoice number(s): _____

9050 Date(s) of service: _____

9051 Amount past due: _____

9052 You are hereby notified that water or sewer service fees (or both) owed by you are in
9053 default. In accordance with Section 17B-1-902, Utah Code Annotated, if you do not pay the
9054 past due amount within 15 days from the day on which this notice was mailed to you, you are
9055 liable for the past due amount together with collection costs of \$20.

9056 You are further notified that if you do not pay the past due amount and the \$20
9057 collection costs within 30 calendar days from the day on which this notice was mailed to you,
9058 an appropriate civil legal action may be filed against you for the past due amount, interest,
9059 court costs, attorney fees, and damages in an amount equal to the greater of \$100 or triple the
9060 past due amounts, but the combined total of all these amounts may not exceed \$200 if your
9061 property is residential.

9062 (Signed) _____

9063 Name of [local] special district _____

9064 Address of [local] special district _____

9065 Telephone number of [local] special district _____

9066 (b) Written notice under this section is conclusively presumed to have been given if the
9067 notice is:

9068 (i) properly deposited in the United States mail, postage prepaid, by certified or
9069 registered mail, return receipt requested; and

9070 (ii) addressed to the customer at the customer's:

9071 (A) address as it appears in the records of the [local] special district; or

9072 (B) last-known address.

9073 (5) (a) A [local] special district may file a civil action against the customer if the
9074 customer fails to pay the past due service fees and collection costs within 30 calendar days
9075 from the date on which the [local] special district mailed notice under Subsection (2)(b).

9076 (b) (i) In a civil action under this Subsection (5), a customer is liable to the [local]
9077 special district for an amount that:

9078 (A) consists of past due service fees, collection costs, interest, court costs, a reasonable
9079 attorney fee, and damages; and

9080 (B) if the customer's property is residential, may not exceed \$200.

9081 (ii) Notwithstanding Subsection (5)(b)(i), a court may, upon a finding of good cause,
9082 waive interest, court costs, the attorney fee, and damages, or any combination of them.

9083 (c) If a [local] special district files a civil action under this Subsection (5) before 31
9084 calendar days after the day on which the [local] special district mailed notice under Subsection
9085 (2)(b), a customer may not be held liable for an amount in excess of past due service fees.

9086 (d) A [local] special district may not file a civil action under this Subsection (5) unless
9087 the customer has failed to pay the past due service fees and collection costs within 30 days
9088 from the day on which the [local] special district mailed notice under Subsection (2)(b).

9089 (6) (a) All amounts charged or collected as prelitigation damages or as damages shall
9090 be paid to and be the property of the [local] special district that furnished water or provided
9091 sewer service and may not be retained by a person who is not that [local] special district.

9092 (b) A [local] special district may not contract for a person to retain any amounts
9093 charged or collected as prelitigation damages or as damages.

9094 (7) This section may not be construed to limit a [local] special district from obtaining
9095 relief to which it may be entitled under other applicable statute or cause of action.

9096 Section 185. Section **17B-1-905** is amended to read:

9097 **17B-1-905. Right of entry on premises of water user.**

9098 A person authorized by a [local] special district that provides a service from a water
9099 system or sewer system may enter upon a premise furnished with or provided that water service
9100 or sewer service to:

9101 (1) examine an apparatus related to or used by the water system or sewer system;

9102 (2) examine the amount of water used or wastewater discharged by the water system or
9103 sewer system and the manner of use or discharge; or

9104 (3) make a necessary shutoff for vacancy, delinquency, or a violation of a [local]
9105 special district rule or regulation relating to the water service or sewer service.

9106 Section 186. Section **17B-1-906** is amended to read:

9107 **17B-1-906. Extraterritorial supply of surplus.**

9108 If a [local] special district runs a surplus product or surplus capacity of a service that the
9109 [local] special district is authorized to provide under Section **17B-1-202**, the [local] special
9110 district may sell or deliver the product or service to others beyond the [local] special district

9111 boundaries.

9112 Section 187. Section **17B-1-1001** is amended to read:

9113 **Part 10. Special District Property Tax Levy**

9114 **17B-1-1001. Provisions applicable to property tax levy.**

9115 (1) Each [~~local~~] special district that levies and collects property taxes shall levy and
9116 collect them according to the provisions of Title 59, Chapter 2, Property Tax Act.

9117 (2) As used in this section:

9118 (a) "Appointed board of trustees" means a board of trustees of a [~~local~~] special district
9119 that includes a member who is appointed to the board of trustees in accordance with Section
9120 **17B-1-304**, Subsection **17B-1-303(5)**, Subsection **17B-1-306(5)(h)**, or any of the applicable
9121 provisions in Title 17B, Chapter 2a, Provisions Applicable to Different Types of [~~Local~~]
9122 Special Districts.

9123 (b) "Elected board of trustees" means a board of trustees of a [~~local~~] special district that
9124 consists entirely of members who are elected to the board of trustees in accordance with
9125 Subsection (4), Section **17B-1-306**, or any of the applicable provisions in Title 17B, Chapter
9126 2a, Provisions Applicable to Different Types of [~~Local~~] Special Districts.

9127 (3) (a) For a taxable year beginning on or after January 1, 2018, a [~~local~~] special district
9128 may not levy or collect property tax revenue that exceeds the certified tax rate unless:

9129 (i) to the extent that the revenue from the property tax was pledged before January 1,
9130 2018, the [~~local~~] special district pledges the property tax revenue to pay for bonds or other
9131 obligations of the [~~local~~] special district; or

9132 (ii) the proposed tax or increase in the property tax rate has been approved by:

9133 (A) an elected board of trustees;

9134 (B) subject to Subsection (3)(b), an appointed board of trustees;

9135 (C) a majority of the registered voters within the [~~local~~] special district who vote in an
9136 election held for that purpose on a date specified in Section **20A-1-204**;

9137 (D) the legislative body of the appointing authority; or

9138 (E) the legislative body of:

9139 (I) a majority of the municipalities partially or completely included within the
9140 boundary of the specified [~~local~~] special district; or

9141 (II) the county in which the specified [~~local~~] special district is located, if the county has

9142 some or all of its unincorporated area included within the boundary of the specified [local]
9143 special district.

9144 (b) For a [local] special district with an appointed board of trustees, each appointed
9145 member of the board of trustees shall comply with the trustee reporting requirements described
9146 in Section 17B-1-1003 before the [local] special district may impose a property tax levy that
9147 exceeds the certified tax rate.

9148 (4) (a) Notwithstanding provisions to the contrary in Title 17B, Chapter 2a, Provisions
9149 Applicable to Different Types of [Local] Special Districts, and subject to Subsection (4)(b),
9150 members of the board of trustees of a [local] special district shall be elected, if:

9151 (i) two-thirds of all members of the board of trustees of the [local] special district vote
9152 in favor of changing to an elected board of trustees; and

9153 (ii) the legislative body of each municipality or county that appoints a member to the
9154 board of trustees adopts a resolution approving the change to an elected board of trustees.

9155 (b) A change to an elected board of trustees under Subsection (4)(a) may not shorten
9156 the term of any member of the board of trustees serving at the time of the change.

9157 (5) Subsections (2), (3), and (4) do not apply to:

9158 (a) Title 17B, Chapter 2a, Part 6, Metropolitan Water District Act;

9159 (b) Title 17B, Chapter 2a, Part 10, Water Conservancy District Act; or

9160 (c) a [local] special district in which:

9161 (i) the board of trustees consists solely of:

9162 (A) land owners or the land owners' agents; or

9163 (B) as described in Subsection 17B-1-302(3), land owners or the land owners' agents or
9164 officers; and

9165 (ii) there are no residents within the [local] special district at the time a property tax is
9166 levied.

9167 Section 188. Section 17B-1-1002 is amended to read:

9168 **17B-1-1002. Limit on special district property tax levy -- Exclusions.**

9169 (1) The rate at which a [local] special district levies a property tax for district operation
9170 and maintenance expenses on the taxable value of taxable property within the district may not
9171 exceed:

9172 (a) .0008, for a basic [local] special district;

- 9173 (b) .0004, for a cemetery maintenance district;
- 9174 (c) .0004, for a drainage district;
- 9175 (d) .0008, for a fire protection district;
- 9176 (e) .0008, for an improvement district;
- 9177 (f) .0005, for a metropolitan water district;
- 9178 (g) .0004, for a mosquito abatement district;
- 9179 (h) .0004, for a public transit district;
- 9180 (i) (i) .0023, for a service area that:
- 9181 (A) is located in a county of the first or second class; and
- 9182 (B) (I) provides fire protection, paramedic, and emergency services; or
- 9183 (II) subject to Subsection (3), provides law enforcement services; or
- 9184 (ii) .0014, for each other service area;
- 9185 (j) the rates provided in Section 17B-2a-1006, for a water conservancy district; or
- 9186 (k) .0008 for a municipal services district.
- 9187 (2) Property taxes levied by a ~~local~~ special district are excluded from the limit
- 9188 applicable to that district under Subsection (1) if the taxes are:
- 9189 (a) levied under Section 17B-1-1103 by a ~~local~~ special district, other than a water
- 9190 conservancy district, to pay principal of and interest on general obligation bonds issued by the
- 9191 district;
- 9192 (b) levied to pay debt and interest owed to the United States; or
- 9193 (c) levied to pay assessments or other amounts due to a water users association or other
- 9194 public cooperative or private entity from which the district procures water.
- 9195 (3) A service area described in Subsection (1)(i)(i)(B)(II) may not collect a tax
- 9196 described in Subsection (1)(i)(i) if a municipality or a county having a right to appoint a
- 9197 member to the board of trustees of the service area under Subsection 17B-2a-905(2) assesses
- 9198 on or after November 30 in the year in which the tax is first collected and each subsequent year
- 9199 that the tax is collected:
- 9200 (a) a generally assessed fee imposed under Section 17B-1-643 for law enforcement
- 9201 services; or
- 9202 (b) any other generally assessed fee for law enforcement services.
- 9203 Section 189. Section 17B-1-1003 is amended to read:

9204 **17B-1-1003. Trustee reporting requirement.**

9205 (1) As used in this section:

9206 (a) "Appointed board of trustees" means a board of trustees of a [~~local~~] special district
9207 that includes a member who is appointed to the board of trustees in accordance with Section
9208 17B-1-304, Subsection 17B-1-303(5), Subsection 17B-1-306(5)(h), or any of the applicable
9209 provisions in Title 17B, Chapter 2a, Provisions Applicable to Different Types of [~~Local~~]
9210 Special Districts.

9211 (b) "Legislative entity" means:

9212 (i) the member's appointing authority, if the appointing authority is a legislative body;

9213 or

9214 (ii) the member's nominating entity, if the appointing authority is not a legislative body.

9215 (c) (i) "Member" means an individual who is appointed to a board of trustees for a
9216 [~~local~~] special district in accordance with Section 17B-1-304, Subsection 17B-1-303(5),
9217 Subsection 17B-1-306(5)(h), or any of the applicable provisions in Title 17B, Chapter 2a,
9218 Provisions Applicable to Different Types of [~~Local~~] Special Districts.

9219 (ii) "Member" includes a member of the board of trustees who holds an elected
9220 position with a municipality, county, or another [~~local~~] special district that is partially or
9221 completely included within the boundaries of the [~~local~~] special district.

9222 (d) "Nominating entity" means the legislative body that submits nominees for
9223 appointment to the board of trustees to an appointing authority.

9224 (e) "Property tax increase" means a property tax levy that exceeds the certified tax rate
9225 for the taxable year.

9226 (2) (a) If a [~~local~~] special district board of trustees adopts a tentative budget that
9227 includes a property tax increase, each member shall report to the member's legislative entity on
9228 the property tax increase.

9229 (b) (i) The [~~local~~] special district shall request that each of the legislative entities that
9230 appoint or nominate a member to the [~~local~~] special district's board of trustees hear the report
9231 required by Subsection (2)(a) at a public meeting of each legislative entity.

9232 (ii) The request to make a report may be made by:

9233 (A) the member appointed or nominated by the legislative entity; or

9234 (B) another member of the board of trustees.

9235 (c) The member appointed or nominated by the legislative entity shall make the report
9236 required by Subsection (2)(a) at a public meeting that:

- 9237 (i) complies with Title 52, Chapter 4, Open and Public Meetings Act;
9238 (ii) includes the report as a separate agenda item; and
9239 (iii) is held within 40 days after the day on which the legislative entity receives a
9240 request to hear the report.

9241 (d) (i) If the legislative entity does not have a scheduled meeting within 40 days after
9242 the day on which the legislative entity receives a request to hear the report required by
9243 Subsection (2)(a), the legislative entity shall schedule a meeting for that purpose.

9244 (ii) If the legislative entity fails to hear the report at a public meeting that meets the
9245 criteria described in Subsection (2)(c), the trustee reporting requirements under this section
9246 shall be considered satisfied.

9247 (3) (a) A report on a property tax increase at a legislative entity's public meeting shall
9248 include:

9249 (i) a statement that the [~~total~~] special district intends to levy a property tax at a rate that
9250 exceeds the certified tax rate for the taxable year;

9251 (ii) the dollar amount of and purpose for additional ad valorem tax revenue that would
9252 be generated by the proposed increase in the certified tax rate;

9253 (iii) the approximate percentage increase in ad valorem tax revenue for the [~~total~~]
9254 special district based on the proposed property tax increase; and

9255 (iv) any other information requested by the legislative entity.

9256 (b) The legislative entity shall allow time during the meeting for comment from the
9257 legislative entity and members of the public on the property tax increase.

9258 (4) (a) If more than one member is appointed to the board of trustees by the same
9259 legislative entity, a majority of the members appointed or nominated by the legislative entity
9260 shall be present to provide the report required by Subsection (2) and described in Subsection
9261 (3).

9262 (b) The chair of the board of trustees shall appoint another member of the board of
9263 trustees to provide the report described in Subsection (3) to the legislative entity if:

9264 (i) the member appointed or nominated by the legislative entity is unable or unwilling
9265 to provide the report at a public meeting that meets the requirements of Subsection (3)(a); and

9266 (ii) the absence of the member appointed or nominated by the legislative entity results
9267 in:

9268 (A) no member who was appointed or nominated by the legislative entity being present
9269 to provide the report; or

9270 (B) an inability to comply with Subsection (4)(a).

9271 (5) A ~~[local]~~ special district board of trustees may approve a property tax increase only
9272 after the conditions of this section have been satisfied or considered satisfied for each member
9273 of the board of trustees.

9274 Section 190. Section **17B-1-1101** is amended to read:

9275 **Part 11. Special District Bonds**

9276 **17B-1-1101. Provisions applicable to a special district's issuance of bonds.**

9277 Subject to the provisions of this part:

9278 (1) each ~~[local]~~ special district that issues bonds shall:

9279 (a) issue them as provided in, as applicable:

9280 (i) Title 11, Chapter 14, Local Government Bonding Act; or

9281 (ii) Title 11, Chapter 42, Assessment Area Act; and

9282 (b) receive the benefits of Title 11, Chapter 30, Utah Bond Validation Act; and

9283 (2) each ~~[local]~~ special district that issues refunding bonds shall issue them as provided
9284 in Title 11, Chapter 27, Utah Refunding Bond Act.

9285 Section 191. Section **17B-1-1102** is amended to read:

9286 **17B-1-1102. General obligation bonds.**

9287 (1) Except as provided in Subsections (3) and (7), if a district intends to issue general
9288 obligation bonds, the district shall first obtain the approval of district voters for issuance of the
9289 bonds at an election held for that purpose as provided in Title 11, Chapter 14, Local
9290 Government Bonding Act.

9291 (2) General obligation bonds shall be secured by a pledge of the full faith and credit of
9292 the district, subject to, for a water conservancy district, the property tax levy limits of Section
9293 [17B-2a-1006](#).

9294 (3) A district may issue refunding general obligation bonds, as provided in Title 11,
9295 Chapter 27, Utah Refunding Bond Act, without obtaining voter approval.

9296 (4) (a) A ~~[local]~~ special district may not issue general obligation bonds if the issuance

9297 of the bonds will cause the outstanding principal amount of all of the district's general
 9298 obligation bonds to exceed the amount that results from multiplying the fair market value of
 9299 the taxable property within the district, as determined under Subsection 11-14-301(3)(b), by a
 9300 number that is:

- 9301 (i) .05, for a basic [~~local~~] special district, except as provided in Subsection (7);
- 9302 (ii) .004, for a cemetery maintenance district;
- 9303 (iii) .002, for a drainage district;
- 9304 (iv) .004, for a fire protection district;
- 9305 (v) .024, for an improvement district;
- 9306 (vi) .1, for an irrigation district;
- 9307 (vii) .1, for a metropolitan water district;
- 9308 (viii) .0004, for a mosquito abatement district;
- 9309 (ix) .03, for a public transit district;
- 9310 (x) .12, for a service area; or
- 9311 (xi) .05 for a municipal services district.

9312 (b) Bonds or other obligations of a [~~local~~] special district that are not general obligation
 9313 bonds are not included in the limit stated in Subsection (4)(a).

9314 (5) A district may not be considered to be a municipal corporation for purposes of the
 9315 debt limitation of the Utah Constitution, Article XIV, Section 4.

9316 (6) Bonds issued by an administrative or legal entity created under Title 11, Chapter
 9317 13, Interlocal Cooperation Act, may not be considered to be bonds of a [~~local~~] special district
 9318 that participates in the agreement creating the administrative or legal entity.

9319 (7) (a) As used in this Subsection (7), "property owner district" means a [~~local~~] special
 9320 district whose board members are elected by property owners, as provided in Subsection
 9321 17B-1-1402(1)(b).

9322 (b) A property owner district may issue a general obligation bond with the consent of:

- 9323 (i) the owners of all property within the district; and
- 9324 (ii) all registered voters, if any, within the boundary of the district.

9325 (c) A property owner district may use proceeds from a bond issued under this
 9326 Subsection (7) to fund:

- 9327 (i) the acquisition and construction of a system or improvement authorized in the

9328 district's creation resolution; and

9329 (ii) a connection outside the boundary of the district between systems or improvements

9330 within the boundary of the district.

9331 (d) The consent under Subsection (7)(b) is sufficient for any requirement necessary for

9332 the issuance of a general obligation bond.

9333 (e) A general obligation bond issued under this Subsection (7):

9334 (i) shall mature no later than 40 years after the date of issuance; and

9335 (ii) is not subject to the limit under Subsection (4)(a)(i).

9336 (f) (i) A property owner district may not issue a general obligation bond under this

9337 Subsection (7) if the issuance will cause the outstanding principal amount of all the district's

9338 general obligation bonds to exceed one-half of the market value of all real property within the

9339 district.

9340 (ii) Market value under Subsection (7)(f)(i) shall:

9341 (A) be based on the value that the real property will have after all improvements

9342 financed by the general obligation bonds are constructed; and

9343 (B) be determined by appraisal by an appraiser who is a member of the Appraisal

9344 Institute.

9345 (g) With respect to a general obligation bond issued under this Subsection (7), the

9346 board of a property owner district may, by resolution, delegate to one or more officers of the

9347 district, the authority to:

9348 (i) approve the final interest rate, price, principal amount, maturity, redemption

9349 features, and other terms of the bond;

9350 (ii) approve and execute a document relating to the issuance of the bond; and

9351 (iii) approve a contract related to the acquisition and construction of an improvement,

9352 facility, or property to be financed with proceeds from the bond.

9353 (h) (i) A person may commence a lawsuit or other proceeding to contest the legality of

9354 the issuance of a general obligation bond issued under this Subsection (7) or any provision

9355 relating to the security or payment of the bond if the lawsuit or other proceeding is commenced

9356 within 30 days after the publication of:

9357 (A) the resolution authorizing the issuance of the general obligation bond; or

9358 (B) a notice of the bond issuance containing substantially the items required under

9359 Subsection 11-14-316(2).

9360 (ii) Following the period described in Subsection (7)(h)(i), no person may bring a
9361 lawsuit or other proceeding to contest for any reason the regularity, formality, or legality of a
9362 general obligation bond issued under this Subsection (7).

9363 (i) (i) A property owner district that charges and collects an impact fee or other fee on
9364 real property at the time the real property is sold may proportionally pay down a general
9365 obligation bond issued under this Subsection (7) from the money collected from the impact fee
9366 or other fee.

9367 (ii) A property owner district that proportionally pays down a general obligation bond
9368 under Subsection (7)(i)(i) shall reduce the property tax rate on the parcel of real property on
9369 which the district charged and collected an impact fee or other charge, to reflect the amount of
9370 outstanding principal of a general obligation bond issued under this Subsection (7) that was
9371 paid down and is attributable to that parcel.

9372 (j) If a property owner fails to pay a property tax that the property owner district
9373 imposes in connection with a general obligation bond issued under this Subsection (7), the
9374 district may impose a property tax penalty at an annual rate of .07, in addition to any other
9375 penalty allowed by law.

9376 Section 192. Section **17B-1-1103** is amended to read:

9377 **17B-1-1103. Levy to pay for general obligation bonds.**

9378 (1) (a) If a district has issued general obligation bonds, or expects to have debt service
9379 payments due on general obligation bonds during the current year, the district's board of
9380 trustees may make an annual levy of ad valorem property taxes in order to:

9381 (i) pay the principal of and interest on the general obligation bonds;

9382 (ii) establish a sinking fund for defaults and future debt service on the general
9383 obligation bonds; and

9384 (iii) establish a reserve to secure payment of the general obligation bonds.

9385 (b) A levy under Subsection (1)(a) is:

9386 (i) for a water conservancy district, subject to the limit stated in Section **17B-2a-1006**;

9387 and

9388 (ii) for each other ~~[local]~~ special district, without limitation as to rate or amount.

9389 (2) (a) Each district that levies a tax under Subsection (1) shall:

9390 (i) levy the tax as a separate and special levy for the specific purposes stated in
9391 Subsection (1); and

9392 (ii) apply the proceeds from the levy solely for the purpose of paying the principal of
9393 and interest on the general obligation bonds, even though the proceeds may be used to establish
9394 or replenish a sinking fund under Subsection (1)(a)(ii) or a reserve under Subsection (1)(a)(iii).

9395 (b) A levy under Subsection (2)(a) is not subject to a priority in favor of a district
9396 obligation in existence at the time the bonds were issued.

9397 Section 193. Section **17B-1-1104** is amended to read:

9398 **17B-1-1104. Pledge of revenues to pay for bonds.**

9399 Bonds may be payable from and secured by the pledge of all or any specified part of:

9400 (1) the revenues to be derived by the special district from providing its services and
9401 from the operation of its facilities and other properties;

9402 (2) sales and use taxes, property taxes, and other taxes;

9403 (3) federal, state, or local grants;

9404 (4) in the case of special assessment bonds, the special assessments pledged to repay
9405 the special assessment bonds; and

9406 (5) other money legally available to the district.

9407 Section 194. Section **17B-1-1105** is amended to read:

9408 **17B-1-1105. Revenue bonds -- Requirement to impose rates and charges to cover**
9409 **revenue bonds -- Authority to make agreements and covenants to provide for bond**
9410 **repayment.**

9411 (1) A [~~local~~] special district intending to issue revenue bonds may, but is not required
9412 to, submit to district voters for their approval the issuance of the revenue bonds at an election
9413 held for that purpose as provided in Title 11, Chapter 14, Local Government Bonding Act.

9414 (2) Each [~~local~~] special district that has issued revenue bonds shall impose rates and
9415 charges for the services or commodities it provides fully sufficient, along with other sources of
9416 district revenues, to carry out all undertakings of the district with respect to its revenue bonds.

9417 (3) A [~~local~~] special district that issues revenue bonds may:

9418 (a) agree to pay operation and maintenance expenses of the district from the proceeds
9419 of the ad valorem taxes authorized in Subsection **17B-1-103(2)(g)**; and

9420 (b) for the benefit of bondholders, enter into covenants that:

- 9421 (i) are permitted by Title 11, Chapter 14, Local Government Bonding Act; and
- 9422 (ii) provide for other pertinent matters that the board of trustees considers proper to
- 9423 assure the marketability of the bonds.

9424 Section 195. Section **17B-1-1107** is amended to read:

9425 **17B-1-1107. Ratification of previously issued bonds and previously entered**
9426 **contracts.**

9427 All bonds issued or contracts entered into by a [~~local~~] special district before April 30,
9428 2007, are ratified, validated, and confirmed and declared to be valid and legally binding
9429 obligations of the district in accordance with their terms.

9430 Section 196. Section **17B-1-1201** is amended to read:

9431 **Part 12. Special District Validation Proceedings**

9432 **17B-1-1201. Definitions.**

9433 As used in this part:

9434 (1) "Eligible function" means:

9435 (a) a power conferred on a [~~local~~] special district under this title;

9436 (b) a tax or assessment levied by a [~~local~~] special district;

9437 (c) an act or proceeding that a [~~local~~] special district:

9438 (i) has taken; or

9439 (ii) contemplates taking; or

9440 (d) a district contract, whether already executed or to be executed in the future,
9441 including a contract for the acquisition, construction, maintenance, or operation of works for
9442 the district.

9443 (2) "Validation order" means a court order adjudicating the validity of an eligible
9444 function.

9445 (3) "Validation petition" means a petition requesting a validation order.

9446 (4) "Validation proceedings" means judicial proceedings occurring in district court
9447 pursuant to a validation petition.

9448 Section 197. Section **17B-1-1202** is amended to read:

9449 **17B-1-1202. Authority to file a validation petition -- Petition requirements --**
9450 **Amending or supplementing a validation petition.**

9451 (1) The board of trustees of a [~~local~~] special district may at any time file a validation

9452 petition.

9453 (2) Each validation petition shall:

9454 (a) describe the eligible function for which a validation order is sought;

9455 (b) set forth:

9456 (i) the facts upon which the validity of the eligible function is founded; and

9457 (ii) any other information or allegations necessary to a determination of the validation

9458 petition;

9459 (c) be verified by the chair of the board of trustees; and

9460 (d) be filed in the district court of the county in which the district's principal office is

9461 located.

9462 (3) A [~~local~~] special district may amend or supplement a validation petition:

9463 (a) at any time before the hearing under Section 17B-1-1203; or

9464 (b) after the hearing under Section 17B-1-1203, with permission of the court.

9465 Section 198. Section 17B-1-1204 is amended to read:

9466 **17B-1-1204. Notice of the hearing on a validation petition -- Amended or**
9467 **supplemented validation petition.**

9468 (1) Upon the entry of an order under Section 17B-1-1203 setting a hearing on a
9469 validation petition, the [~~local~~] special district that filed the petition shall post notice:

9470 (a) on the Utah Public Notice Website created in Section 63A-16-601, for three weeks
9471 immediately before the hearing; and

9472 (b) in the [~~local~~] special district's principal office at least 21 days before the date set for
9473 the hearing.

9474 (2) Each notice under Subsection (1) shall:

9475 (a) state the date, time, and place of the hearing on the validation petition;

9476 (b) include a general description of the contents of the validation petition; and

9477 (c) if applicable, state the location where a complete copy of a contract that is the
9478 subject of the validation petition may be examined.

9479 (3) If a district amends or supplements a validation petition under Subsection
9480 17B-1-1202(3) after publishing and posting notice as required under Subsection (1), the district
9481 is not required to publish or post notice again unless required by the court.

9482 Section 199. Section 17B-1-1301 is amended to read:

9483 **Part 13. Dissolution of a Special District**9484 **17B-1-1301. Definitions.**

9485 For purposes of this part:

9486 (1) "Active" means, with respect to a [local] special district, that the district is not
9487 inactive.

9488 (2) "Administrative body" means:

9489 (a) if the [local] special district proposed to be dissolved has a duly constituted board
9490 of trustees in sufficient numbers to form a quorum, the board of trustees; or

9491 (b) except as provided in Subsection (2)(a):

9492 (i) for a [local] special district located entirely within a single municipality, the
9493 legislative body of that municipality;9494 (ii) for a [local] special district located in multiple municipalities within the same
9495 county or at least partly within the unincorporated area of a county, the legislative body of that
9496 county; or9497 (iii) for a [local] special district located within multiple counties, the legislative body
9498 of the county whose boundaries include more of the [local] special district than is included
9499 within the boundaries of any other county.

9500 (3) "Clerk" means:

9501 (a) the board of trustees if the board is also the administrative body under Subsection
9502 (2)(a);9503 (b) the clerk or recorder of the municipality whose legislative body is the
9504 administrative body under Subsection (2)(b)(i); or9505 (c) the clerk of the county whose legislative body is the administrative body under
9506 Subsection (2)(b)(ii) or (iii).9507 (4) "Inactive" means, with respect to a [local] special district, that during the preceding
9508 three years the district has not:

9509 (a) provided any service or otherwise operated;

9510 (b) received property taxes or user or other fees; and

9511 (c) expended any funds.

9512 Section 200. Section **17B-1-1302** is amended to read:9513 **17B-1-1302. Special district dissolution.**

9514 A [local] special district may be dissolved as provided in this part.

9515 Section 201. Section **17B-1-1303** is amended to read:

9516 **17B-1-1303. Initiation of dissolution process.**

9517 The process to dissolve a [local] special district may be initiated by:

9518 (1) for an inactive [local] special district:

9519 (a) (i) for a [local] special district whose board of trustees is elected by electors based
9520 on the acre-feet of water allotted to the land owned by the elector, a petition signed by the
9521 owners of 25% of the acre-feet of water allotted to the land within the [local] special district; or

9522 (ii) for all other districts:

9523 (A) a petition signed by the owners of private real property that:

9524 (I) is located within the [local] special district proposed to be dissolved;

9525 (II) covers at least 25% of the private land area within the [local] special district; and

9526 (III) is equal in assessed value to at least 25% of the assessed value of all private real
9527 property within the [local] special district; or

9528 (B) a petition signed by registered voters residing within the [local] special district
9529 proposed to be dissolved equal in number to at least 25% of the number of votes cast in the
9530 district for the office of governor at the last regular general election before the filing of the
9531 petition; or

9532 (b) a resolution adopted by the administrative body; and

9533 (2) for an active [local] special district, a petition signed by:

9534 (a) for a [local] special district whose board of trustees is elected by electors based on
9535 the acre-feet of water allotted to the land owned by the elector, the owners of 33% of the
9536 acre-feet of water allotted to the land within the [local] special district;

9537 (b) for a [local] special district created to acquire or assess a groundwater right for the
9538 development and execution of a groundwater management plan in coordination with the state
9539 engineer in accordance with Section **73-5-15**, the owners of groundwater rights that:

9540 (i) are diverted within the district; and

9541 (ii) cover at least 33% of the total amount of groundwater diverted in accordance with
9542 the groundwater rights within the district as a whole; or

9543 (c) for all other districts:

9544 (i) the owners of private real property that:

- 9545 (A) is located within the [local] special district proposed to be dissolved;
- 9546 (B) covers at least 33% of the private land area within the [local] special district; and
- 9547 (C) is equal in assessed value to at least 25% of the assessed value of all private real
- 9548 property within the [local] special district; or
- 9549 (ii) 33% of registered voters residing within the [local] special district proposed to be
- 9550 dissolved.

9551 Section 202. Section **17B-1-1304** is amended to read:

9552 **17B-1-1304. Petition requirements.**

9553 (1) Each petition under Subsection **17B-1-1303**(1)(a) or (2) shall:

9554 (a) indicate the typed or printed name and current residence address of each owner of

9555 acre-feet of water, property owner, or registered voter signing the petition;

9556 (b) if it is a petition signed by the owners of acre-feet of water or property owners,

9557 indicate the address of the property as to which the owner is signing;

9558 (c) designate up to three signers of the petition as sponsors, one of whom shall be

9559 designated the contact sponsor, with the mailing address and telephone number of each; and

9560 (d) be filed with the clerk.

9561 (2) A signer of a petition to dissolve a [local] special district may withdraw, or, once

9562 withdrawn, reinstate the signer's signature at any time until 30 days after the public hearing

9563 under Section **17B-1-1306**.

9564 Section 203. Section **17B-1-1305** is amended to read:

9565 **17B-1-1305. Petition certification.**

9566 (1) Within 30 days after the filing of a petition under Subsection **17B-1-1303**(1)(a) or

9567 (2), the clerk shall:

9568 (a) with the assistance of officers of the county in which the [local] special district is

9569 located from whom the clerk requests assistance, determine whether the petition meets the

9570 requirements of Section **17B-1-1303** and Subsection **17B-1-1304**(1); and

9571 (b) (i) if the clerk determines that the petition complies with the requirements, certify

9572 the petition and mail or deliver written notification of the certification to the contact sponsor;

9573 or

9574 (ii) if the clerk determines that the petition fails to comply with any of the

9575 requirements, reject the petition and mail or deliver written notification of the rejection and the

9576 reasons for the rejection to the contact sponsor.

9577 (2) (a) If the clerk rejects a petition under Subsection (1)(b)(ii), the petition may be
9578 amended to correct the deficiencies for which it was rejected and then refiled.

9579 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be
9580 used toward fulfilling the applicable signature requirement of the petition as amended under
9581 Subsection (2)(a).

9582 (3) The clerk shall process an amended petition filed under Subsection (2)(a) in the
9583 same manner as an original petition under Subsection (1).

9584 Section 204. Section **17B-1-1306** is amended to read:

9585 **17B-1-1306. Public hearing.**

9586 (1) For each petition certified under Section **17B-1-1305** and each resolution that an
9587 administrative body adopts under Subsection **17B-1-1303**(1)(b), the administrative body shall
9588 hold a public hearing on the proposed dissolution.

9589 (2) The administrative body shall hold a public hearing under Subsection (1):

9590 (a) no later than 45 days after certification of the petition under Section **17B-1-1305** or
9591 adoption of a resolution under Subsection **17B-1-1303**(1)(b), as the case may be;

9592 (b) within the ~~local~~ special district proposed to be dissolved;

9593 (c) on a weekday evening other than a holiday beginning no earlier than 6 p.m.; and

9594 (d) for the purpose of allowing:

9595 (i) the administrative body to explain the process the administrative body will follow to
9596 study and prepare the proposed dissolution;

9597 (ii) the public to ask questions and obtain further information about the proposed
9598 dissolution and issues raised by it; and

9599 (iii) any interested person to address the administrative body concerning the proposed
9600 dissolution.

9601 (3) A quorum of the administrative body shall be present throughout each public
9602 hearing under this section.

9603 Section 205. Section **17B-1-1307** is amended to read:

9604 **17B-1-1307. Notice of public hearing and of dissolution.**

9605 (1) Before holding a public hearing required under Section **17B-1-1306**, the
9606 administrative body shall:

- 9607 (a) post notice of the public hearing and of the proposed dissolution:
- 9608 (i) on the Utah Public Notice Website created in Section 63A-16-601, for 30 days
- 9609 before the public hearing; and
- 9610 (ii) in at least four conspicuous places within the [local] special district proposed to be
- 9611 dissolved, no less than five and no more than 30 days before the public hearing; or
- 9612 (b) mail a notice to each owner of property located within the [local] special district
- 9613 and to each registered voter residing within the [local] special district.
- 9614 (2) Each notice required under Subsection (1) shall:
- 9615 (a) identify the [local] special district proposed to be dissolved and the service it was
- 9616 created to provide; and
- 9617 (b) state the date, time, and location of the public hearing.
- 9618 Section 206. Section 17B-1-1308 is amended to read:
- 9619 **17B-1-1308. Second public hearing -- Dissolution resolution -- Limitations on**
- 9620 **dissolution.**
- 9621 (1) (a) Within 180 days after the day on which the administrative body holds the public
- 9622 hearing described in Section 17B-1-1306, the administrative body shall hold a second public
- 9623 hearing to:
- 9624 (i) publicly explain the result of the study and preparation described in Subsection
- 9625 17B-1-1306(2)(d)(i);
- 9626 (ii) describe whether the proposed dissolution meets each criterion described in
- 9627 Subsection (2); and
- 9628 (iii) adopt a resolution in accordance with Subsection (1)(b) or (c).
- 9629 (b) Subject to Subsection (2), after a proposed dissolution petition has been certified
- 9630 under Section 17B-1-1305, the administrative body shall adopt a resolution:
- 9631 (i) certifying that the proposed dissolution satisfies the criteria described in Subsection
- 9632 (2); and
- 9633 (ii) (A) for an inactive [local] special district, approving the dissolution of the [local]
- 9634 special district; or
- 9635 (B) for an active [local] special district, initiating the dissolution election described in
- 9636 Section 17B-1-1309.
- 9637 (c) Subject to Subsection (2), for a proposed dissolution of an inactive district that an

9638 administrative body initiates by adopting a resolution under Subsection 17B-1-1303(1)(b), the
9639 administrative body may adopt a resolution:

9640 (i) certifying that the proposed dissolution satisfies the criteria described in Subsection
9641 (2); and

9642 (ii) approving the dissolution of the inactive [local] special district.

9643 (2) The administrative body may not adopt a resolution under Subsection (1) unless:

9644 (a) any outstanding debt of the [local] special district is:

9645 (i) satisfied and discharged in connection with the dissolution; or

9646 (ii) assumed by another governmental entity with the consent of all the holders of that
9647 debt and all the holders of other debts of the [local] special district;

9648 (b) for a [local] special district that has provided service during the preceding three
9649 years or undertaken planning or other activity preparatory to providing service:

9650 (i) another entity has committed to:

9651 (A) provide the same service to the area being served or proposed to be served by the
9652 [local] special district; and

9653 (B) purchase, at fair market value, the assets of the [local] special district that are
9654 required to provide the service; and

9655 (ii) all who are to receive the service have consented to the service being provided by
9656 the other entity; and

9657 (c) all outstanding contracts to which the [local] special district is a party are resolved
9658 through mutual termination or the assignment of the [local] special district's rights, duties,
9659 privileges, and responsibilities to another entity with the consent of the other parties to the
9660 contract.

9661 Section 207. Section 17B-1-1309 is amended to read:

9662 **17B-1-1309. Election to dissolve an active special district.**

9663 (1) When an administrative body adopts a resolution to initiate a dissolution election
9664 under Subsection 17B-1-1308(1)(b)(ii), an election shall be held on the question of whether the
9665 [local] special district should be dissolved by:

9666 (a) if the [local] special district proposed to be dissolved is located entirely within a
9667 single county, the [local] special district clerk, in cooperation with the county clerk; or

9668 (b) if the [local] special district proposed to be dissolved is located within more than

9669 one county, in cooperation with the [local] special district clerk:

9670 (i) the clerk of each county where part of the [local] special district is located in more
9671 than one municipality or in an unincorporated area within the same county;

9672 (ii) the clerk or recorder of each municipality where part of the [local] special district is
9673 not located in another municipality or in an unincorporated area within the same county; and

9674 (iii) the clerk of each county where part of the [local] special district is located only in
9675 an unincorporated area within the county.

9676 (2) Each election under Subsection (1) shall be held at the next special or regular
9677 general election that is more than 60 days after the day on which the administrative body
9678 adopts a resolution in accordance with Section 17B-1-1308.

9679 (3) (a) If the [local] special district proposed to be dissolved is located in more than
9680 one county, the [local] special district clerk shall coordinate with the officials described in
9681 Subsection (1)(b) to ensure that the election is held on the same date and in a consistent manner
9682 in each jurisdiction.

9683 (b) The clerk of each county and the clerk or recorder of each municipality involved in
9684 an election under Subsection (1) shall cooperate with the [local] special district clerk in holding
9685 the election.

9686 (4) If the [local] special district proposed to be dissolved is an irrigation district under
9687 Title 17B, Chapter 2a, Part 5, Irrigation District Act:

9688 (a) the electors shall consist of the landowners whose land has allotments of water
9689 through the district; and

9690 (b) each elector may cast one vote for each acre-foot or fraction of an acre-foot of
9691 water allotted to the land the elector owns within the district.

9692 (5) If the [local] special district proposed to be dissolved is a district created to acquire
9693 or assess a groundwater right for the development and execution of a groundwater management
9694 plan in accordance with Section 73-5-15:

9695 (a) the electors shall consist of the owners of groundwater rights within the district; and

9696 (b) each elector may cast one vote for each acre-foot or fraction of an acre-foot of
9697 groundwater that is within the district and reflected in the elector's water right.

9698 (6) If the [local] special district proposed to be dissolved is a basic [local] special
9699 district, except for a district described in Subsection (5), and if the area of the basic [local]

9700 special district contains less than one residential unit per 50 acres of land at the time of the
9701 filing of a petition described in Subsection 17B-1-1303(2):

9702 (a) the electors shall consist of the owners of privately owned real property within a
9703 basic [~~local~~] special district under Title 17B, Chapter 1, Part 14, Basic [~~Local~~] Special District;
9704 and

9705 (b) each elector may cast one vote for each acre or fraction of an acre of land that the
9706 elector owns within the district.

9707 (7) Except as otherwise provided in this part, Title 20A, Election Code, governs each
9708 election under Subsection (1).

9709 Section 208. Section 17B-1-1310 is amended to read:

9710 **17B-1-1310. Notice to lieutenant governor -- Recording requirements --**
9711 **Distribution of remaining assets.**

9712 (1) The administrative body, shall file with the lieutenant governor a copy of a notice
9713 of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements
9714 of Subsection 67-1a-6.5(3):

9715 (a) within 30 days after the day on which the administrative body adopts a resolution
9716 approving the dissolution of an inactive [~~local~~] special district; or

9717 (b) within 30 days after the day on which a majority of the voters within an active
9718 [~~local~~] special district approve the dissolution of the [~~local~~] special district in an election
9719 described in Subsection 17B-1-1309(2).

9720 (2) Upon the lieutenant governor's issuance of a certificate of dissolution under Section
9721 67-1a-6.5, the administrative body shall:

9722 (a) if the [~~local~~] special district was located within the boundary of a single county,
9723 submit to the recorder of that county:

9724 (i) the original:

9725 (A) notice of an impending boundary action; and

9726 (B) certificate of dissolution; and

9727 (ii) a certified copy of the resolution that the administrative body adopts under
9728 Subsection 17B-1-1308(1); or

9729 (b) if the [~~local~~] special district was located within the boundaries of more than a single
9730 county:

- 9731 (i) submit to the recorder of one of those counties:
- 9732 (A) the original notice of an impending boundary action and certificate of dissolution;
- 9733 and
- 9734 (B) if applicable, a certified copy of the resolution that the administrative body adopts
- 9735 under Subsection 17B-1-1308(1); and
- 9736 (ii) submit to the recorder of each other county:
- 9737 (A) a certified copy of the notice of an impending boundary action and certificate of
- 9738 dissolution; and
- 9739 (B) if applicable, a certified copy of the resolution that the administrative body adopts
- 9740 under Subsection 17B-1-1308(1).
- 9741 (3) Upon the lieutenant governor's issuance of the certificate of dissolution under
- 9742 Section 67-1a-6.5, the [local] special district is dissolved.
- 9743 (4) (a) After the dissolution of a [local] special district under this part, the
- 9744 administrative body shall use any assets of the [local] special district remaining after paying all
- 9745 debts and other obligations of the [local] special district to pay costs associated with the
- 9746 dissolution process.
- 9747 (b) If the administrative body is not the board of trustees of the dissolved [local]
- 9748 special district, the administrative body shall pay any costs of the dissolution process remaining
- 9749 after exhausting the remaining assets of the [local] special district as described in Subsection
- 9750 (4)(a).
- 9751 (c) If the administrative body is the board of trustees of the dissolved [local] special
- 9752 district, each entity that has committed to provide a service that the dissolved [local] special
- 9753 district previously provided, as described in Subsection 17B-1-1308(2)(b), shall pay, in the
- 9754 same proportion that the services the entity commits to provide bear to all of the services the
- 9755 [local] special district provided, any costs of the dissolution process remaining after exhausting
- 9756 the remaining assets of the dissolved [local] special district described in Subsection (4)(a).
- 9757 (5) (a) The administrative body shall distribute any assets of the [local] special district
- 9758 that remain after the payment of debts, obligations, and costs under Subsection (4) in the
- 9759 following order of priority:
- 9760 (i) if there is a readily identifiable connection between the remaining assets and a
- 9761 financial burden borne by the real property owners in the dissolved [local] special district,

9762 proportionately to those real property owners;

9763 (ii) if there is a readily identifiable connection between the remaining assets and a
9764 financial burden borne by the recipients of a service that the dissolved [local] special district
9765 provided, proportionately to those recipients; and

9766 (iii) subject to Subsection (6), to each entity that has committed to provide a service
9767 that the dissolved [local] special district previously provided, as described in Subsection
9768 [17B-1-1309(1)(b)(ii)] 17B-1-1308(2)(b)(i), in the same proportion that the services the entity
9769 commits to provide bear to all of the services the [local] special district provided.

9770 (6) An entity that receives cash reserves of the dissolved [local] special district under
9771 Subsection (5)(a)(iii) may not use the cash reserves:

9772 (a) in any way other than for the purpose the [local] special district originally intended;
9773 or

9774 (b) in any area other than within the area that the dissolved [local] special district
9775 previously served.

9776 Section 209. Section 17B-1-1401 is amended to read:

9777 **Part 14. Basic Special District**

9778 **17B-1-1401. Status of and provisions applicable to a basic special district.**

9779 A basic [local] special district:

9780 (1) operates under, is subject to, and has the powers set forth in this chapter; and

9781 (2) is not subject to Chapter 2a, Provisions Applicable to Different Types of [Local]
9782 Special Districts.

9783 Section 210. Section 17B-1-1402 is amended to read:

9784 **17B-1-1402. Board of trustees of a basic special district.**

9785 (1) As specified in a petition under Subsection 17B-1-203(1)(a) or (b) or a resolution
9786 under Subsection 17B-1-203(1)(d) or (e), and except as provided in Subsection (2), the
9787 members of a board of trustees of a basic [local] special district may be:

9788 (a) (i) elected by registered voters; or

9789 (ii) appointed by the responsible body, as defined in Section 17B-1-201; or

9790 (b) if the area of the [local] special district contains less than one residential dwelling
9791 unit per 50 acres of land at the time the resolution is adopted or the petition is filed, elected by
9792 the owners of real property within the [local] special district based on:

- 9793 (i) the amount of acreage owned by property owners;
- 9794 (ii) the assessed value of property owned by property owners; or
- 9795 (iii) water rights:
- 9796 (A) relating to the real property within the [local] special district;
- 9797 (B) that the real property owner:
- 9798 (I) owns; or
- 9799 (II) has transferred to the [local] special district.

9800 (2) As specified in a groundwater right owner petition under Subsection
 9801 17B-1-203(1)(c) or a resolution under Subsection 17B-1-203(1)(d) or (e), the members of a
 9802 board of trustees of a basic [local] special district created to manage groundwater rights the
 9803 district acquires or assesses under Section 17B-1-202 shall be:

- 9804 (a) subject to Section 17B-1-104.5, elected by the owners of groundwater rights that
 9805 are diverted within the [local] special district;
- 9806 (b) appointed by the responsible body, as defined in Section 17B-1-201; or
- 9807 (c) elected or appointed as provided in Subsection (3).

9808 (3) A petition under Subsection 17B-1-203(1)(a) or (b) and a resolution under
 9809 Subsection 17B-1-203(1)(d) or (e) may provide for a transition from one or more methods of
 9810 election or appointment under Subsection (1) or (2) to one or more other methods of election or
 9811 appointment based upon milestones or events that the petition or resolution identifies.

9812 Section 211. Section 17B-1-1403 is amended to read:

9813 **17B-1-1403. Prohibition against creating new basic special districts.**

9814 A person may not create a basic [local] special district on or after May 12, 2020.

9815 Section 212. Section 17B-2a-101 is amended to read:

9816 **CHAPTER 2a. PROVISIONS APPLICABLE TO DIFFERENT TYPES OF SPECIAL**
 9817 **DISTRICTS**

9818 **17B-2a-101. Title.**

9819 (1) This chapter is known as "Provisions Applicable to Different Types of [Local]
 9820 Special Districts."

9821 (2) This part is known as the "Cemetery Maintenance District Act."

9822 Section 213. Section 17B-2a-102 is amended to read:

9823 **17B-2a-102. Provisions applicable to cemetery maintenance districts.**

9824 (1) Each cemetery maintenance district is governed by and has the powers stated in:

9825 (a) this part; and

9826 (b) Chapter 1, Provisions Applicable to All [~~Local~~] Special Districts.

9827 (2) This part applies only to cemetery maintenance districts.

9828 (3) A cemetery maintenance district is not subject to the provisions of any other part of
9829 this chapter.

9830 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
9831 [~~Local~~] Special Districts, and a provision in this part, the provision in this part governs.

9832 (5) A cemetery maintenance district shall comply with the applicable provisions of
9833 Title 8, Cemeteries.

9834 Section 214. Section **17B-2a-104** is amended to read:

9835 **17B-2a-104. Cemetery maintenance district bonding authority.**

9836 A cemetery maintenance district may issue bonds as provided in and subject to Chapter
9837 1, Part 11, [~~Local~~] Special District Bonds, to carry out the purposes of the district.

9838 Section 215. Section **17B-2a-203** is amended to read:

9839 **17B-2a-203. Provisions applicable to drainage districts.**

9840 (1) Each drainage district is governed by and has the powers stated in:

9841 (a) this part; and

9842 (b) Chapter 1, Provisions Applicable to All [~~Local~~] Special Districts.

9843 (2) This part applies only to drainage districts.

9844 (3) A drainage district is not subject to the provisions of any other part of this chapter.

9845 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
9846 [~~Local~~] Special Districts, and a provision in this part, the provision in this part governs.

9847 Section 216. Section **17B-2a-205** is amended to read:

9848 **17B-2a-205. Additional drainage district powers.**

9849 In addition to the powers conferred on a drainage district under Section **17B-1-103**, a
9850 drainage district may:

9851 (1) enter upon land for the purpose of examining the land or making a survey;

9852 (2) locate a necessary drainage canal with any necessary branches on land that the
9853 district's board of trustees considers best;

9854 (3) issue bonds as provided in and subject to Chapter 1, Part 11, [~~Local~~] Special

9855 District Bonds, to carry out the purposes of the district;

9856 (4) after the payment or tender of compensation allowed, go upon land to construct
9857 proposed works, and thereafter enter upon that land to maintain or repair the works;

9858 (5) appropriate water for useful and beneficial purposes;

9859 (6) regulate and control, for the benefit of landholders within the district, all water
9860 developed, appropriated, or owned by the district;

9861 (7) appropriate, use, purchase, develop, sell, and convey water and water rights in the
9862 same manner and for the same use and purposes as a private person;

9863 (8) widen, straighten, deepen, enlarge, or remove any obstruction or rubbish from any
9864 watercourse, whether inside or outside the district; and

9865 (9) if necessary, straighten a watercourse by cutting a new channel upon land not
9866 already containing the watercourse, subject to the landowner receiving compensation for the
9867 land occupied by the new channel and for any damages, as provided under the law of eminent
9868 domain.

9869 Section 217. Section **17B-2a-209** is amended to read:

9870 **17B-2a-209. State land treated the same as private land -- Consent needed to**
9871 **affect school and institutional trust land -- Owner of state land has same rights as owner**
9872 **of private land.**

9873 (1) Subject to Subsection (2), a drainage district may treat state land the same as
9874 private land with respect to the drainage of land for agricultural purposes.

9875 (2) A drainage district may not affect school or institutional trust land under this part or
9876 Chapter 1, Provisions Applicable to All ~~Local~~ Special Districts, without the consent of the
9877 director of the School and Institutional Trust Lands Administration acting in accordance with
9878 Sections [53C-1-102](#) and [53C-1-303](#).

9879 (3) The state and each person holding unpatented state land under entries or contracts
9880 of purchase from the state have all the rights, privileges, and benefits under this part and
9881 Chapter 1, Provisions Applicable to All ~~Local~~ Special Districts, that a private owner of that
9882 land would have.

9883 Section 218. Section **17B-2a-303** is amended to read:

9884 **17B-2a-303. Provisions applicable to fire protection districts.**

9885 (1) Each fire protection district is governed by and has the powers stated in:

- 9886 (a) this part; and
- 9887 (b) Chapter 1, Provisions Applicable to All [~~Local~~] Special Districts.
- 9888 (2) This part applies only to fire protection districts.
- 9889 (3) A fire protection district is not subject to the provisions of any other part of this
- 9890 chapter.
- 9891 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
- 9892 [~~Local~~] Special Districts, and a provision in this part, the provision in this part governs.
- 9893 Section 219. Section **17B-2a-304** is amended to read:
- 9894 **17B-2a-304. Additional fire protection district power.**
- 9895 In addition to the powers conferred on a fire protection district under Section
- 9896 **17B-1-103**, a fire protection district may issue bonds as provided in and subject to Chapter 1,
- 9897 Part 11, [~~Local~~] Special District Bonds, to carry out the purposes of the district.
- 9898 Section 220. Section **17B-2a-402** is amended to read:
- 9899 **17B-2a-402. Provisions applicable to improvement districts.**
- 9900 (1) Each improvement district is governed by and has the powers stated in:
- 9901 (a) this part; and
- 9902 (b) Chapter 1, Provisions Applicable to All [~~Local~~] Special Districts.
- 9903 (2) This part applies only to improvement districts.
- 9904 (3) An improvement district is not subject to the provisions of any other part of this
- 9905 chapter.
- 9906 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
- 9907 [~~Local~~] Special Districts, and a provision in this part, the provision in this part governs.
- 9908 Section 221. Section **17B-2a-403** is amended to read:
- 9909 **17B-2a-403. Additional improvement district powers.**
- 9910 (1) In addition to the powers conferred on an improvement district under Section
- 9911 **17B-1-103**, an improvement district may:
- 9912 (a) acquire through construction, purchase, gift, or condemnation, or any combination
- 9913 of these methods, and operate all or any part of a system for:
- 9914 (i) the supply, treatment, and distribution of water;
- 9915 (ii) the collection, treatment, and disposition of sewage;
- 9916 (iii) the collection, retention, and disposition of storm and flood waters;

- 9917 (iv) the generation, distribution, and sale of electricity, subject to Section 17B-2a-406;
9918 and
- 9919 (v) the transmission of natural or manufactured gas if:
- 9920 (A) the system is connected to a gas plant, as defined in Section 54-2-1, of a gas
9921 corporation, as defined in Section 54-2-1, that is regulated under Section 54-4-1;
- 9922 (B) the system is to be used to facilitate gas utility service within the district; and
- 9923 (C) the gas utility service was not available within the district before the acquisition of
9924 the system;
- 9925 (b) issue bonds in accordance with Chapter 1, Part 11, [~~Local~~] Special District Bonds,
9926 to carry out the purposes of the improvement district;
- 9927 (c) appropriate or acquire water or water rights inside or outside the improvement
9928 district's boundaries;
- 9929 (d) sell water or other services to consumers residing outside the improvement district's
9930 boundaries;
- 9931 (e) enter into a contract with a gas corporation that is regulated under Section 54-4-1
9932 to:
- 9933 (i) provide for the operation or maintenance of all or part of a system for the
9934 transmission of natural or manufactured gas; or
- 9935 (ii) lease or sell all or a portion of a system described in Subsection (1)(e)(i) to a gas
9936 corporation;
- 9937 (f) enter into a contract with a person for:
- 9938 (i) the purchase or sale of water or electricity;
- 9939 (ii) the use of any facility owned by the person; or
- 9940 (iii) the purpose of handling the person's industrial and commercial waste and sewage;
- 9941 (g) require pretreatment of industrial and commercial waste and sewage; and
- 9942 (h) impose a penalty or surcharge against a public entity or other person with which the
9943 improvement district has entered into a contract for the construction, acquisition, or operation
9944 of all or a part of a system for the collection, treatment, and disposal of sewage, if the public
9945 entity or other person fails to comply with the provisions of the contract.
- 9946 (2) The new gas utility service under Subsection (1)(a)(v)(B) shall be provided by a gas
9947 corporation regulated under Section 54-4-1 and not by the district.

9948 (3) An improvement district may not begin to provide sewer service to an area where
9949 sewer service is already provided by an existing sewage collection system operated by a
9950 municipality or other political subdivision unless the municipality or other political subdivision
9951 gives its written consent.

9952 (4) An improvement district authorized to operate all or any part of a system for the
9953 collection, treatment, or disposition of sewage may acquire, construct, or operate a resource
9954 recovery project in accordance with Section 19-6-508.

9955 Section 222. Section 17B-2a-502 is amended to read:

9956 **17B-2a-502. Provisions applicable to irrigation districts.**

9957 (1) Each irrigation district is governed by and has the powers stated in:

9958 (a) this part; and

9959 (b) Chapter 1, Provisions Applicable to All [~~Local~~] Special Districts.

9960 (2) This part applies only to irrigation districts.

9961 (3) An irrigation district is not subject to the provisions of any other part of this
9962 chapter.

9963 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
9964 [~~Local~~] Special Districts, and a provision in this part, the provision in this part governs.

9965 Section 223. Section 17B-2a-503 is amended to read:

9966 **17B-2a-503. Additional irrigation district powers -- No authority to levy property**
9967 **tax.**

9968 (1) In addition to the powers conferred on an irrigation district under Section
9969 17B-1-103, an irrigation district may:

9970 (a) issue bonds as provided in and subject to Chapter 1, Part 11, [~~Local~~] Special
9971 District Bonds, to carry out the purposes of the district;

9972 (b) purchase stock of an irrigation, canal, or reservoir company;

9973 (c) enter upon any land in the district to make a survey and to locate and construct a
9974 canal and any necessary lateral;

9975 (d) convey water rights or other district property to the United States as partial or full
9976 consideration under a contract with the United States;

9977 (e) pursuant to a contract with the United States, lease or rent water to private land, an
9978 entryman, or a municipality in the neighborhood of the district;

9979 (f) if authorized under a contract with the United States, collect money on behalf of the
9980 United States in connection with a federal reclamation project and assume the incident duties
9981 and liabilities;

9982 (g) acquire water from inside or outside the state;

9983 (h) subject to Subsection (2), lease, rent, or sell water not needed by the owners of land
9984 within the district:

9985 (i) to a municipality, corporation, association, or individual inside or outside the
9986 district;

9987 (ii) for irrigation or any other beneficial use; and

9988 (iii) at a price and on terms that the board considers appropriate; and

9989 (i) repair a break in a reservoir or canal or remedy any other district disaster.

9990 (2) (a) The term of a lease or rental agreement under Subsection (1)(h) may not exceed
9991 five years.

9992 (b) A vested or prescriptive right to the use of water may not attach to the land because
9993 of a lease or rental of water under Subsection (1)(h).

9994 (3) Notwithstanding Subsection 17B-1-103(2)(g), an irrigation district may not levy a
9995 property tax.

9996 Section 224. Section 17B-2a-602 is amended to read:

9997 **17B-2a-602. Provisions applicable to metropolitan water districts.**

9998 (1) Each metropolitan water district is governed by and has the powers stated in:

9999 (a) this part; and

10000 (b) Chapter 1, Provisions Applicable to All [~~Local~~] Special Districts.

10001 (2) This part applies only to metropolitan water districts.

10002 (3) A metropolitan water district is not subject to the provisions of any other part of
10003 this chapter.

10004 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
10005 [~~Local~~] Special Districts, and a provision in this part, the provision in this part governs.

10006 (5) Before September 30, 2019, a metropolitan water district shall submit a written
10007 report to the Revenue and Taxation Interim Committee that describes, for the metropolitan
10008 water district's fiscal year that ended in 2018, the percentage and amount of revenue in the
10009 metropolitan water district from:

- 10010 (a) property taxes;
- 10011 (b) water rates; and
- 10012 (c) all other sources.

10013 Section 225. Section **17B-2a-603** is amended to read:

10014 **17B-2a-603. Additional metropolitan water district powers.**

10015 In addition to the powers conferred on a metropolitan water district under Section
10016 **17B-1-103**, a metropolitan water district may:

- 10017 (1) acquire or lease any real or personal property or acquire any interest in real or
10018 personal property, as provided in Subsections **17B-1-103**(2)(a) and (b), whether inside or
10019 outside the district or inside or outside the state;
- 10020 (2) encumber real or personal property or an interest in real or personal property that
10021 the district owns;
- 10022 (3) acquire or construct works, facilities, and improvements, as provided in Subsection
10023 **17B-1-103**(2)(d), whether inside or outside the district or inside or outside the state;
- 10024 (4) acquire water, works, water rights, and sources of water necessary or convenient to
10025 the full exercise of the district's powers, whether the water, works, water rights, or sources of
10026 water are inside or outside the district or inside or outside the state, and encumber, transfer an
10027 interest in, or dispose of water, works, water rights, and sources of water;
- 10028 (5) develop, store, and transport water;
- 10029 (6) provide, sell, lease, and deliver water inside or outside the district for any lawful
10030 beneficial use;
- 10031 (7) issue bonds as provided in and subject to Chapter 1, Part 11, [~~Local~~] Special
10032 District Bonds, to carry out the purposes of the district; and
- 10033 (8) subscribe for, purchase, lease, or otherwise acquire stock in a canal company,
10034 irrigation company, water company, or water users association, for the purpose of acquiring the
10035 right to use water or water infrastructure.

10036 Section 226. Section **17B-2a-702** is amended to read:

10037 **17B-2a-702. Provisions applicable to mosquito abatement districts.**

- 10038 (1) Each mosquito abatement district is governed by and has the powers stated in:
- 10039 (a) this part; and
- 10040 (b) Chapter 1, Provisions Applicable to All [~~Local~~] Special Districts.

- 10041 (2) This part applies only to mosquito abatement districts.
- 10042 (3) A mosquito abatement district is not subject to the provisions of any other part of
10043 this chapter.
- 10044 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
10045 [~~Local~~] Special Districts, and a provision in this part, the provision in this part governs.
- 10046 Section 227. Section **17B-2a-703** is amended to read:
- 10047 **17B-2a-703. Additional mosquito abatement district powers.**
- 10048 In addition to the powers conferred on a mosquito abatement district under Section
10049 **17B-1-103**, a mosquito abatement district may:
- 10050 (1) take all necessary and proper steps for the extermination of mosquitos, flies,
10051 crickets, grasshoppers, and other insects:
- 10052 (a) within the district; or
- 10053 (b) outside the district, if lands inside the district are benefitted;
- 10054 (2) abate as nuisances all stagnant pools of water and other breeding places for
10055 mosquitos, flies, crickets, grasshoppers, or other insects anywhere inside or outside the state
10056 from which mosquitos migrate into the district;
- 10057 (3) enter upon territory referred to in Subsections (1) and (2) in order to inspect and
10058 examine the territory and to remove from the territory, without notice, stagnant water or other
10059 breeding places for mosquitos, flies, crickets, grasshoppers, or other insects;
- 10060 (4) issue bonds as provided in and subject to Chapter 1, Part 11, [~~Local~~] Special
10061 District Bonds, to carry out the purposes of the district;
- 10062 (5) make a contract to indemnify or compensate an owner of land or other property for
10063 injury or damage that the exercise of district powers necessarily causes or arising out of the use,
10064 taking, or damage of property for a district purpose; and
- 10065 (6) in addition to the accumulated fund balance allowed under Section **17B-1-612**,
10066 establish a reserve fund, not to exceed the greater of 25% of the district's annual operating
10067 budget or \$50,000, to pay for extraordinary abatement measures, including a vector-borne
10068 public health emergency.
- 10069 Section 228. Section **17B-2a-802** is amended to read:
- 10070 **17B-2a-802. Definitions.**
- 10071 As used in this part:

10072 (1) "Affordable housing" means housing occupied or reserved for occupancy by
10073 households that meet certain gross household income requirements based on the area median
10074 income for households of the same size.

10075 (a) "Affordable housing" may include housing occupied or reserved for occupancy by
10076 households that meet specific area median income targets or ranges of area median income
10077 targets.

10078 (b) "Affordable housing" does not include housing occupied or reserved for occupancy
10079 by households with gross household incomes that are more than 60% of the area median
10080 income for households of the same size.

10081 (2) "Appointing entity" means the person, county, unincorporated area of a county, or
10082 municipality appointing a member to a public transit district board of trustees.

10083 (3) (a) "Chief executive officer" means a person appointed by the board of trustees of a
10084 small public transit district to serve as chief executive officer.

10085 (b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities
10086 defined in Sections [17B-2a-810](#) and [17B-2a-811](#) and includes all rights, duties, and
10087 responsibilities assigned to the general manager but prescribed by the board of trustees to be
10088 fulfilled by the chief executive officer.

10089 (4) "Council of governments" means a decision-making body in each county composed
10090 of membership including the county governing body and the mayors of each municipality in the
10091 county.

10092 (5) "Department" means the Department of Transportation created in Section [72-1-201](#).

10093 (6) "Executive director" means a person appointed by the board of trustees of a large
10094 public transit district to serve as executive director.

10095 (7) (a) "General manager" means a person appointed by the board of trustees of a small
10096 public transit district to serve as general manager.

10097 (b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in
10098 Sections [17B-2a-810](#) and [17B-2a-811](#) prescribed by the board of trustees of a small public
10099 transit district.

10100 (8) "Large public transit district" means a public transit district that provides public
10101 transit to an area that includes:

10102 (a) more than 65% of the population of the state based on the most recent official

- 10103 census or census estimate of the United States Census Bureau; and
- 10104 (b) two or more counties.
- 10105 (9) (a) "Locally elected public official" means a person who holds an elected position
- 10106 with a county or municipality.
- 10107 (b) "Locally elected public official" does not include a person who holds an elected
- 10108 position if the elected position is not with a county or municipality.
- 10109 (10) "Metropolitan planning organization" means the same as that term is defined in
- 10110 Section [72-1-208.5](#).
- 10111 (11) "Multicounty district" means a public transit district located in more than one
- 10112 county.
- 10113 (12) "Operator" means a public entity or other person engaged in the transportation of
- 10114 passengers for hire.
- 10115 (13) (a) "Public transit" means regular, continuing, shared-ride, surface transportation
- 10116 services that are open to the general public or open to a segment of the general public defined
- 10117 by age, disability, or low income.
- 10118 (b) "Public transit" does not include transportation services provided by:
- 10119 (i) chartered bus;
- 10120 (ii) sightseeing bus;
- 10121 (iii) taxi;
- 10122 (iv) school bus service;
- 10123 (v) courtesy shuttle service for patrons of one or more specific establishments; or
- 10124 (vi) intra-terminal or intra-facility shuttle services.
- 10125 (14) "Public transit district" means a [~~local~~] special district that provides public transit
- 10126 services.
- 10127 (15) "Small public transit district" means any public transit district that is not a large
- 10128 public transit district.
- 10129 (16) "Station area plan" means a plan adopted by the relevant municipality or county
- 10130 that establishes and preserves a vision for areas within one-half mile of a fixed guideway
- 10131 station of a large public transit district, the development of which includes:
- 10132 (a) involvement of all relevant stakeholders who have an interest in the station area,
- 10133 including relevant metropolitan planning organizations;

10134 (b) identification of major infrastructural and policy constraints and a course of action
10135 to address those constraints; and

10136 (c) other criteria as determined by the board of trustees of the relevant public transit
10137 district.

10138 (17) "Transit facility" means a transit vehicle, transit station, depot, passenger loading
10139 or unloading zone, parking lot, or other facility:

10140 (a) leased by or operated by or on behalf of a public transit district; and

10141 (b) related to the public transit services provided by the district, including:

10142 (i) railway or other right-of-way;

10143 (ii) railway line; and

10144 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by
10145 a transit vehicle.

10146 (18) "Transit vehicle" means a passenger bus, coach, railcar, van, or other vehicle
10147 operated as public transportation by a public transit district.

10148 (19) "Transit-oriented development" means a mixed use residential or commercial area
10149 that is designed to maximize access to public transit and includes the development of land
10150 owned by a large public transit district.

10151 (20) "Transit-supportive development" means a mixed use residential or commercial
10152 area that is designed to maximize access to public transit and does not include the development
10153 of land owned by a large public transit district.

10154 Section 229. Section **17B-2a-803** is amended to read:

10155 **17B-2a-803. Provisions applicable to public transit districts.**

10156 (1) (a) Each public transit district is governed by and has the powers stated in:

10157 (i) this part; and

10158 (ii) except as provided in Subsection (1)(b), Chapter 1, Provisions Applicable to All
10159 ~~Local~~ Special Districts.

10160 (b) (i) Except for Sections [17B-1-301](#), [17B-1-311](#), and [17B-1-313](#), the following
10161 provisions do not apply to public transit districts:

10162 (A) Chapter 1, Part 3, Board of Trustees; and

10163 (B) Section [17B-2a-905](#).

10164 (ii) A public transit district is not subject to Chapter 1, Part 6, Fiscal Procedures for

10165 [~~Local~~] Special Districts.

10166 (2) This part applies only to public transit districts.

10167 (3) A public transit district is not subject to the provisions of any other part of this
10168 chapter.

10169 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
10170 [~~Local~~] Special Districts, and a provision in this part, the provision in this part governs.

10171 (5) The provisions of Subsection 53-3-202(3)(b) do not apply to a motor vehicle owned
10172 in whole or in part by a public transit district.

10173 Section 230. Section 17B-2a-804 is amended to read:

10174 **17B-2a-804. Additional public transit district powers.**

10175 (1) In addition to the powers conferred on a public transit district under Section
10176 17B-1-103, a public transit district may:

10177 (a) provide a public transit system for the transportation of passengers and their
10178 incidental baggage;

10179 (b) notwithstanding Subsection 17B-1-103(2)(g) and subject to Section 17B-2a-817,
10180 levy and collect property taxes only for the purpose of paying:

10181 (i) principal and interest of bonded indebtedness of the public transit district; or

10182 (ii) a final judgment against the public transit district if:

10183 (A) the amount of the judgment exceeds the amount of any collectable insurance or
10184 indemnity policy; and

10185 (B) the district is required by a final court order to levy a tax to pay the judgment;

10186 (c) insure against:

10187 (i) loss of revenues from damage to or destruction of some or all of a public transit
10188 system from any cause;

10189 (ii) public liability;

10190 (iii) property damage; or

10191 (iv) any other type of event, act, or omission;

10192 (d) acquire, contract for, lease, construct, own, operate, control, or use:

10193 (i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal,
10194 parking lot, or any other facility necessary or convenient for public transit service; or

10195 (ii) any structure necessary for access by persons and vehicles;

10196 (e) (i) hire, lease, or contract for the supplying or management of a facility, operation,
10197 equipment, service, employee, or management staff of an operator; and

10198 (ii) provide for a sublease or subcontract by the operator upon terms that are in the
10199 public interest;

10200 (f) operate feeder bus lines and other feeder or ridesharing services as necessary;

10201 (g) accept a grant, contribution, or loan, directly through the sale of securities or
10202 equipment trust certificates or otherwise, from the United States, or from a department,
10203 instrumentality, or agency of the United States;

10204 (h) study and plan transit facilities in accordance with any legislation passed by
10205 Congress;

10206 (i) cooperate with and enter into an agreement with the state or an agency of the state
10207 or otherwise contract to finance to establish transit facilities and equipment or to study or plan
10208 transit facilities;

10209 (j) subject to Subsection [17B-2a-808.1\(5\)](#), issue bonds as provided in and subject to
10210 Chapter 1, Part 11, [~~Local~~] Special District Bonds, to carry out the purposes of the district;

10211 (k) from bond proceeds or any other available funds, reimburse the state or an agency
10212 of the state for an advance or contribution from the state or state agency;

10213 (l) do anything necessary to avail itself of any aid, assistance, or cooperation available
10214 under federal law, including complying with labor standards and making arrangements for
10215 employees required by the United States or a department, instrumentality, or agency of the
10216 United States;

10217 (m) sell or lease property;

10218 (n) except as provided in Subsection (2)(b), assist in or operate transit-oriented or
10219 transit-supportive developments;

10220 (o) establish, finance, participate as a limited partner or member in a development with
10221 limited liabilities in accordance with Subsection (1)(p), construct, improve, maintain, or
10222 operate transit facilities, equipment, and, in accordance with Subsection (3), transit-oriented
10223 developments or transit-supportive developments; and

10224 (p) subject to the restrictions and requirements in Subsections (2) and (3), assist in a
10225 transit-oriented development or a transit-supportive development in connection with project
10226 area development as defined in Section [17C-1-102](#) by:

10227 (i) investing in a project as a limited partner or a member, with limited liabilities; or
10228 (ii) subordinating an ownership interest in real property owned by the public transit
10229 district.

10230 (2) (a) A public transit district may only assist in the development of areas under
10231 Subsection (1)(p) that have been approved by the board of trustees, and in the manners
10232 described in Subsection (1)(p).

10233 (b) A public transit district may not invest in a transit-oriented development or
10234 transit-supportive development as a limited partner or other limited liability entity under the
10235 provisions of Subsection (1)(p)(i), unless the partners, developer, or other investor in the entity,
10236 makes an equity contribution equal to no less than 25% of the appraised value of the property
10237 to be contributed by the public transit district.

10238 (c) (i) For transit-oriented development projects, a public transit district shall adopt
10239 transit-oriented development policies and guidelines that include provisions on affordable
10240 housing.

10241 (ii) For transit-supportive development projects, a public transit district shall work with
10242 the metropolitan planning organization and city and county governments where the project is
10243 located to collaboratively seek to create joint plans for the areas within one-half mile of transit
10244 stations, including plans for affordable housing.

10245 (d) A current board member of a public transit district to which the board member is
10246 appointed may not have any interest in the transactions engaged in by the public transit district
10247 pursuant to Subsection (1)(p)(i) or (ii), except as may be required by the board member's
10248 fiduciary duty as a board member.

10249 (3) For any transit-oriented development or transit-supportive development authorized
10250 in this section, the public transit district shall:

10251 (a) perform a cost-benefit analysis of the monetary investment and expenditures of the
10252 development, including effect on:

10253 (i) service and ridership;

10254 (ii) regional plans made by the metropolitan planning agency;

10255 (iii) the local economy;

10256 (iv) the environment and air quality;

10257 (v) affordable housing; and

10258 (vi) integration with other modes of transportation; and
 10259 (b) provide evidence to the public of a quantifiable positive return on investment,
 10260 including improvements to public transit service.

10261 (4) A public transit district may not participate in a transit-oriented development if:

10262 (a) the relevant municipality or county has not developed and adopted a station area
 10263 plan; and

10264 (b) (i) for a transit-oriented development involving a municipality, the municipality is
 10265 not in compliance with Sections 10-9a-403 and 10-9a-408 regarding the inclusion of moderate
 10266 income housing in the general plan and the required reporting requirements; or

10267 (ii) for a transit-oriented development involving property in an unincorporated area of a
 10268 county, the county is not in compliance with Sections 17-27a-403 and 17-27a-408 regarding
 10269 inclusion of moderate income housing in the general plan and required reporting requirements.

10270 (5) A public transit district may be funded from any combination of federal, state,
 10271 local, or private funds.

10272 (6) A public transit district may not acquire property by eminent domain.

10273 Section 231. Section 17B-2a-817 is amended to read:

10274 **17B-2a-817. Voter approval required for property tax levy.**

10275 Notwithstanding the provisions of Section 17B-1-1001 and in addition to a property tax
 10276 under Section 17B-1-1103 to pay general obligation bonds of the district, a public transit
 10277 district may levy a property tax, as provided in and subject to Chapter 1, Part 10, [~~Local~~]
 10278 Special District Property Tax Levy, if:

10279 (1) the district first submits the proposal to levy the property tax to voters within the
 10280 district; and

10281 (2) a majority of voters within the district voting on the proposal vote in favor of the
 10282 tax at an election held for that purpose on a date specified in Section 20A-1-204.

10283 Section 232. Section 17B-2a-902 is amended to read:

10284 **17B-2a-902. Provisions applicable to service areas.**

10285 (1) Each service area is governed by and has the powers stated in:

10286 (a) this part; and

10287 (b) except as provided in Subsection (5), Chapter 1, Provisions Applicable to All

10288 [~~Local~~] Special Districts.

- 10289 (2) This part applies only to service areas.
- 10290 (3) A service area is not subject to the provisions of any other part of this chapter.
- 10291 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
- 10292 ~~Local~~ Special Districts, and a provision in this part, the provision in this part governs.
- 10293 (5) (a) Except as provided in Subsection (5)(b), on or after December 31, 2012, a
- 10294 service area may not charge or collect a fee under Section 17B-1-643 for:
- 10295 (i) law enforcement services;
- 10296 (ii) fire protection services;
- 10297 (iii) 911 ambulance or paramedic services as defined in Section 26-8a-102 that are
- 10298 provided under a contract in accordance with Section 26-8a-405.2; or
- 10299 (iv) emergency services.
- 10300 (b) Subsection (5)(a) does not apply to:
- 10301 (i) a fee charged or collected on an individual basis rather than a general basis;
- 10302 (ii) a non-911 service as defined in Section 26-8a-102 that is provided under a contract
- 10303 in accordance with Section 26-8a-405.2;
- 10304 (iii) an impact fee charged or collected for a public safety facility as defined in Section
- 10305 11-36a-102; or
- 10306 (iv) a service area that includes within the boundary of the service area a county of the
- 10307 fifth or sixth class.
- 10308 Section 233. Section 17B-2a-903 is amended to read:
- 10309 **17B-2a-903. Additional service area powers -- Property tax limitation for service**
- 10310 **area providing law enforcement service.**
- 10311 (1) In addition to the powers conferred on a service area under Section 17B-1-103, a
- 10312 service area:
- 10313 (a) may issue bonds as provided in and subject to Chapter 1, Part 11, ~~Local~~ Special
- 10314 District Bonds, to carry out the purposes of the district;
- 10315 (b) that, until April 30, 2007, was a regional service area, may provide park, recreation,
- 10316 or parkway services, or any combination of those services; and
- 10317 (c) may, with the consent of the county in which the service area is located, provide
- 10318 planning and zoning service.
- 10319 (2) A service area that provides law enforcement service may not levy a property tax or

10320 increase its certified tax rate, as defined in Section 59-2-924, without the prior approval of:

10321 (a) (i) the legislative body of each municipality that is partly or entirely within the
10322 boundary of the service area; and

10323 (ii) the legislative body of the county with an unincorporated area within the boundary
10324 of the service area; or

10325 (b) (i) a majority of the legislative bodies of all municipalities that are partly or entirely
10326 within the boundary of the service area; and

10327 (ii) two-thirds of the legislative body of the county with an unincorporated area within
10328 the boundary of the service area.

10329 Section 234. Section 17B-2a-904 is amended to read:

10330 **17B-2a-904. Regional service areas to become service areas -- Change from**
10331 **regional service area to service area not to affect rights, obligations, board makeup, or**
10332 **property of former regional service area.**

10333 (1) Each regional service area, created and operating under the law in effect before
10334 April 30, 2007, becomes on that date a service area, governed by and subject to Chapter 1,
10335 Provisions Applicable to All [~~Local~~] Special Districts, and this part.

10336 (2) The change of an entity from a regional service area to a service area under
10337 Subsection (1) does not affect:

10338 (a) the entity's basic structure and operations or its nature as a body corporate and
10339 politic and a political subdivision of the state;

10340 (b) the ability of the entity to provide the service that the entity:

10341 (i) was authorized to provide before the change; and

10342 (ii) provided before the change;

10343 (c) the validity of the actions taken, bonds issued, or contracts or other obligations
10344 entered into by the entity before the change;

10345 (d) the ability of the entity to continue to impose and collect taxes, fees, and other
10346 charges for the service it provides;

10347 (e) the makeup of the board of trustees;

10348 (f) the entity's ownership of property acquired before the change; or

10349 (g) any other powers, rights, or obligations that the entity had before the change, except
10350 as modified by this part.

10351 Section 235. Section **17B-2a-907** is amended to read:

10352 **17B-2a-907. Adding a new service within a service area.**

10353 A service area may begin to provide within the boundaries of the service area a service
10354 that it had not previously provided by using the procedures set forth in Chapter 1, Part 2,
10355 Creation of a [~~Local~~] Special District, for the creation of a service area as though a new service
10356 area were being created to provide that service.

10357 Section 236. Section **17B-2a-1003** is amended to read:

10358 **17B-2a-1003. Provisions applicable to water conservancy districts.**

10359 (1) Each water conservancy district is governed by and has the powers stated in:

10360 (a) this part; and

10361 (b) Chapter 1, Provisions Applicable to All [~~Local~~] Special Districts.

10362 (2) This part applies only to water conservancy districts.

10363 (3) A water conservancy district is not subject to the provisions of any other part of this
10364 chapter.

10365 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
10366 [~~Local~~] Special Districts, and a provision in this part, the provision in this part governs.

10367 (5) Before September 30, 2019, a water conservancy district shall submit a written
10368 report to the Revenue and Taxation Interim Committee that describes, for the water
10369 conservancy district's fiscal year that ended in 2018, the percentage and amount of revenue in
10370 the water conservancy district from:

10371 (a) property taxes;

10372 (b) water rates; and

10373 (c) all other sources.

10374 Section 237. Section **17B-2a-1004** is amended to read:

10375 **17B-2a-1004. Additional water conservancy district powers -- Limitations on**
10376 **water conservancy districts.**

10377 (1) In addition to the powers conferred on a water conservancy district under Section
10378 **17B-1-103**, a water conservancy district may:

10379 (a) issue bonds as provided in and subject to Chapter 1, Part 11, [~~Local~~] Special
10380 District Bonds, to carry out the purposes of the district;

10381 (b) acquire or lease any real or personal property or acquire any interest in real or

10382 personal property, as provided in Subsections 17B-1-103(2)(a) and (b), whether inside or
10383 outside the district;

10384 (c) acquire or construct works, facilities, or improvements, as provided in Subsection
10385 17B-1-103(2)(d), whether inside or outside the district;

10386 (d) acquire water, works, water rights, and sources of water necessary or convenient to
10387 the full exercise of the district's powers, whether the water, works, water rights, or sources of
10388 water are inside or outside the district, and encumber, sell, lease, transfer an interest in, or
10389 dispose of water, works, water rights, and sources of water;

10390 (e) fix rates and terms for the sale, lease, or other disposal of water;

10391 (f) acquire rights to the use of water from works constructed or operated by the district
10392 or constructed or operated pursuant to a contract to which the district is a party, and sell rights
10393 to the use of water from those works;

10394 (g) levy assessments against lands within the district to which water is allotted on the
10395 basis of:

10396 (i) a uniform district-wide value per acre foot of irrigation water; or
10397 (ii) a uniform unit-wide value per acre foot of irrigation water, if the board divides the
10398 district into units and fixes a different value per acre foot of water in the respective units;

10399 (h) fix rates for the sale, lease, or other disposal of water, other than irrigation water, at
10400 rates that are equitable, though not necessarily equal or uniform, for like classes of service;

10401 (i) adopt and modify plans and specifications for the works for which the district was
10402 organized;

10403 (j) investigate and promote water conservation and development;

10404 (k) appropriate and otherwise acquire water and water rights inside or outside the state;

10405 (l) develop, store, treat, and transport water;

10406 (m) acquire stock in canal companies, water companies, and water users associations;

10407 (n) acquire, construct, operate, or maintain works for the irrigation of land;

10408 (o) subject to Subsection (2), sell water and water services to individual customers and
10409 charge sufficient rates for the water and water services supplied;

10410 (p) own property for district purposes within the boundaries of a municipality; and
10411 (q) coordinate water resource planning among public entities.

10412 (2) (a) A water conservancy district and another political subdivision of the state may

10413 contract with each other, and a water conservancy district may contract with one or more public
10414 entities and private persons, for:

10415 (i) the joint operation or use of works owned by any party to the contract; or

10416 (ii) the sale, purchase, lease, exchange, or loan of water, water rights, works, or related
10417 services.

10418 (b) An agreement under Subsection (2)(a) may provide for the joint use of works
10419 owned by one of the contracting parties if the agreement provides for reasonable compensation.

10420 (c) A statutory requirement that a district supply water to its own residents on a priority
10421 basis does not apply to a contract under Subsection (2)(a).

10422 (d) An agreement under Subsection (2)(a) may include terms that the parties determine,
10423 including:

10424 (i) a term of years specified by the contract;

10425 (ii) a requirement that the purchasing party make specified payments, without regard to
10426 actual taking or use;

10427 (iii) a requirement that the purchasing party pay user charges, charges for the
10428 availability of water or water facilities, or other charges for capital costs, debt service,
10429 operating and maintenance costs, and the maintenance of reasonable reserves, whether or not
10430 the related water, water rights, or facilities are acquired, completed, operable, or operating, and
10431 notwithstanding the suspension, interruption, interference, reduction, or curtailment of water or
10432 services for any reason;

10433 (iv) provisions for one or more parties to acquire an undivided ownership interest in, or
10434 a contractual right to the capacity, output, or services of, joint water facilities, and establishing:

10435 (A) the methods for financing the costs of acquisition, construction, and operation of
10436 the joint facilities;

10437 (B) the method for allocating the costs of acquisition, construction, and operation of
10438 the facilities among the parties consistent with their respective interests in or rights to the
10439 facilities;

10440 (C) a management committee comprised of representatives of the parties, which may
10441 be responsible for the acquisition, construction, and operation of the facilities as the parties
10442 determine; and

10443 (D) the remedies upon a default by any party in the performance of its obligations

10444 under the contract, which may include a provision obligating or enabling the other parties to
10445 succeed to all or a portion of the ownership interest or contractual rights and obligations of the
10446 defaulting party; and

10447 (v) provisions that a purchasing party make payments from:

10448 (A) general or other funds of the purchasing party;

10449 (B) the proceeds of assessments levied under this part;

10450 (C) the proceeds of impact fees imposed by any party under Title 11, Chapter 36a,
10451 Impact Fees Act;

10452 (D) revenues from the operation of the water system of a party receiving water or
10453 services under the contract;

10454 (E) proceeds of any revenue-sharing arrangement between the parties, including
10455 amounts payable as a percentage of revenues or net revenues of the water system of a party
10456 receiving water or services under the contract; and

10457 (F) any combination of the sources of payment listed in Subsections (2)(d)(v)(A)
10458 through (E).

10459 (3) (a) A water conservancy district may enter into a contract with another state or a
10460 political subdivision of another state for the joint construction, operation, or ownership of a
10461 water facility.

10462 (b) Water from any source in the state may be appropriated and used for beneficial
10463 purposes within another state only as provided in Title 73, Chapter 3a, Water Exports.

10464 (4) (a) Except as provided in Subsection (4)(b), a water conservancy district may not
10465 sell water to a customer located within a municipality for domestic or culinary use without the
10466 consent of the municipality.

10467 (b) Subsection (4)(a) does not apply if:

10468 (i) the property of a customer to whom a water conservancy district sells water was, at
10469 the time the district began selling water to the customer, within an unincorporated area of a
10470 county; and

10471 (ii) after the district begins selling water to the customer, the property becomes part of
10472 a municipality through municipal incorporation or annexation.

10473 (5) A water conservancy district may not carry or transport water in transmountain
10474 diversion if title to the water was acquired by a municipality by eminent domain.

10475 (6) A water conservancy district may not be required to obtain a franchise for the
10476 acquisition, ownership, operation, or maintenance of property.

10477 (7) A water conservancy district may not acquire by eminent domain title to or
10478 beneficial use of vested water rights for transmountain diversion.

10479 Section 238. Section **17B-2a-1007** is amended to read:

10480 **17B-2a-1007. Contract assessments.**

10481 (1) As used in this section:

10482 (a) "Assessed land" means:

10483 (i) for a contract assessment under a water contract with a private water user, the land
10484 owned by the private water user that receives the beneficial use of water under the water
10485 contract; or

10486 (ii) for a contract assessment under a water contract with a public water user, the land
10487 within the boundaries of the public water user that is within the boundaries of the water
10488 conservancy district and that receives the beneficial use of water under the water contract.

10489 (b) "Contract assessment" means an assessment levied as provided in this section by a
10490 water conservancy district on assessed land.

10491 (c) "Governing body" means:

10492 (i) for a county, city, or town, the legislative body of the county, city, or town;

10493 (ii) for a ~~local~~ special district, the board of trustees of the ~~local~~ special district;

10494 (iii) for a special service district:

10495 (A) the legislative body of the county, city, or town that established the special service
10496 district, if no administrative control board has been appointed under Section [17D-1-301](#); or

10497 (B) the administrative control board of the special service district, if an administrative
10498 control board has been appointed under Section [17D-1-301](#); and

10499 (iv) for any other political subdivision of the state, the person or body with authority to
10500 govern the affairs of the political subdivision.

10501 (d) "Petitioner" means a private petitioner or a public petitioner.

10502 (e) "Private petitioner" means an owner of land within a water conservancy district
10503 who submits a petition to a water conservancy district under Subsection (3) to enter into a
10504 water contract with the district.

10505 (f) "Private water user" means an owner of land within a water conservancy district

10506 who enters into a water contract with the district.

10507 (g) "Public petitioner" means a political subdivision of the state:

10508 (i) whose territory is partly or entirely within the boundaries of a water conservancy
10509 district; and

10510 (ii) that submits a petition to a water conservancy district under Subsection (3) to enter
10511 into a water contract with the district.

10512 (h) "Public water user" means a political subdivision of the state:

10513 (i) whose territory is partly or entirely within the boundaries of a water conservancy
10514 district; and

10515 (ii) that enters into a water contract with the district.

10516 (i) "Water contract" means a contract between a water conservancy district and a
10517 private water user or a public water user under which the water user purchases, leases, or
10518 otherwise acquires the beneficial use of water from the water conservancy district for the
10519 benefit of:

10520 (i) land owned by the private water user; or

10521 (ii) land within the public water user's boundaries that is also within the boundaries of
10522 the water conservancy district.

10523 (j) "Water user" means a private water user or a public water user.

10524 (2) A water conservancy district may levy a contract assessment as provided in this
10525 section.

10526 (3) (a) The governing body of a public petitioner may authorize its chief executive
10527 officer to submit a written petition on behalf of the public petitioner to a water conservancy
10528 district requesting to enter into a water contract.

10529 (b) A private petitioner may submit a written petition to a water conservancy district
10530 requesting to enter into a water contract.

10531 (c) Each petition under this Subsection (3) shall include:

10532 (i) the petitioner's name;

10533 (ii) the quantity of water the petitioner desires to purchase or otherwise acquire;

10534 (iii) a description of the land upon which the water will be used;

10535 (iv) the price to be paid for the water;

10536 (v) the amount of any service, turnout, connection, distribution system, or other charge

- 10537 to be paid;
- 10538 (vi) whether payment will be made in cash or annual installments;
- 10539 (vii) a provision requiring the contract assessment to become a lien on the land for
- 10540 which the water is petitioned and is to be allotted; and
- 10541 (viii) an agreement that the petitioner is bound by the provisions of this part and the
- 10542 rules and regulations of the water conservancy district board of trustees.
- 10543 (4) (a) If the board of a water conservancy district desires to consider a petition
- 10544 submitted by a petitioner under Subsection (3), the board shall:
- 10545 (i) post notice of the petition and of the hearing required under Subsection (4)(a)(ii) on
- 10546 the Utah Public Notice Website, created in Section [63A-16-601](#), for at least two successive
- 10547 weeks immediately before the date of the hearing; and
- 10548 (ii) hold a public hearing on the petition.
- 10549 (b) Each notice under Subsection (4)(a)(i) shall:
- 10550 (i) state that a petition has been filed and that the district is considering levying a
- 10551 contract assessment; and
- 10552 (ii) give the date, time, and place of the hearing required under Subsection (4)(a)(ii).
- 10553 (c) (i) At each hearing required under Subsection (4)(a)(ii), the board of trustees of the
- 10554 water conservancy district shall:
- 10555 (A) allow any interested person to appear and explain why the petition should not be
- 10556 granted; and
- 10557 (B) consider each written objection to the granting of the petition that the board
- 10558 receives before or at the hearing.
- 10559 (ii) The board of trustees may adjourn and reconvene the hearing as the board
- 10560 considers appropriate.
- 10561 (d) (i) Any interested person may file with the board of the water conservancy district,
- 10562 at or before the hearing under Subsection (4)(a)(ii), a written objection to the district's granting
- 10563 a petition.
- 10564 (ii) Each person who fails to submit a written objection within the time provided under
- 10565 Subsection (4)(d)(i) is considered to have consented to the district's granting the petition and
- 10566 levying a contract assessment.
- 10567 (5) After holding a public hearing as required under Subsection (4)(a)(ii), the board of

10568 trustees of a water conservancy district may:

10569 (a) deny the petition; or

10570 (b) grant the petition, if the board considers granting the petition to be in the best
10571 interests of the district.

10572 (6) The board of a water conservancy district that grants a petition under this section
10573 may:

10574 (a) make an allotment of water for the benefit of assessed land;

10575 (b) authorize any necessary construction to provide for the use of water upon the terms
10576 and conditions stated in the water contract;

10577 (c) divide the district into units and fix a different rate for water purchased or otherwise
10578 acquired and for other charges within each unit, if the rates and charges are equitable, although
10579 not equal and uniform, for similar classes of services throughout the district; and

10580 (d) levy a contract assessment on assessed land.

10581 (7) (a) The board of trustees of each water conservancy district that levies a contract
10582 assessment under this section shall:

10583 (i) cause a certified copy of the resolution, ordinance, or order levying the assessment
10584 to be recorded in the office of the recorder of each county in which assessed land is located;
10585 and

10586 (ii) on or before July 1 of each year after levying the contract assessment, certify to the
10587 auditor of each county in which assessed land is located the amount of the contract assessment.

10588 (b) Upon the recording of the resolution, ordinance, or order, in accordance with
10589 Subsection (7)(a)(i):

10590 (i) the contract assessment associated with allotting water to the assessed land under
10591 the water contract becomes a political subdivision lien, as that term is defined in Section
10592 [11-60-102](#), on the assessed land, in accordance with Title 11, Chapter 60, Political Subdivision
10593 Lien Authority, as of the effective date of the resolution, ordinance, or order; and

10594 (ii) (A) the board of trustees of the water conservancy district shall certify the amount
10595 of the assessment to the county treasurer; and

10596 (B) the county treasurer shall include the certified amount on the property tax notice
10597 required by Section [59-2-1317](#) for that year.

10598 (c) (i) Each county in which assessed land is located shall collect the contract

- 10599 assessment in the same manner as taxes levied by the county.
- 10600 (ii) If the amount of a contract assessment levied under this section is not paid in full in
10601 a given year:
- 10602 (A) by September 15, the governing body of the water conservancy district that levies
10603 the contract assessment shall certify any unpaid amount to the treasurer of the county in which
10604 the property is located; and
- 10605 (B) the county treasurer shall include the certified amount on the property tax notice
10606 required by Section 59-2-1317 for that year.
- 10607 (8) (a) The board of trustees of each water conservancy district that levies a contract
10608 assessment under this section shall:
- 10609 (i) hold a public hearing, before August 8 of each year in which a contract assessment
10610 is levied, to hear and consider objections filed under Subsection (8)(b); and
- 10611 (ii) post a notice:
- 10612 (A) on the Utah Public Notice Website, created in Section 63A-16-601, for at least the
10613 two consecutive weeks before the public hearing; and
- 10614 (B) that contains a general description of the assessed land, the amount of the contract
10615 assessment, and the time and place of the public hearing under Subsection (8)(a)(i).
- 10616 (b) An owner of assessed land within the water conservancy district who believes that
10617 the contract assessment on the owner's land is excessive, erroneous, or illegal may, before the
10618 hearing under Subsection (8)(a)(i), file with the board of trustees a verified, written objection to
10619 the assessment, stating the grounds for the objection.
- 10620 (c) (i) At each hearing under Subsection (8)(a)(i), the board of trustees shall hear and
10621 consider the evidence and arguments supporting each objection.
- 10622 (ii) After hearing and considering the evidence and arguments supporting an objection,
10623 the board of trustees:
- 10624 (A) shall enter a written order, stating its decision; and
- 10625 (B) may modify the assessment.
- 10626 (d) (i) An owner of assessed land may file a petition in district court seeking review of
10627 a board of trustees' order under Subsection (8)(c)(ii)(A).
- 10628 (ii) Each petition under Subsection (8)(d)(i) shall:
- 10629 (A) be filed within 30 days after the board enters its written order;

10630 (B) state specifically the part of the board's order for which review is sought; and

10631 (C) be accompanied by a bond with good and sufficient security in an amount not
10632 exceeding \$200, as determined by the court clerk.

10633 (iii) If more than one owner of assessed land seeks review, the court may, upon a
10634 showing that the reviews may be consolidated without injury to anyone's interests, consolidate
10635 the reviews and hear them together.

10636 (iv) The court shall act as quickly as possible after a petition is filed.

10637 (v) A court may not disturb a board of trustees' order unless the court finds that the
10638 contract assessment on the petitioner's assessed land is manifestly disproportionate to
10639 assessments imposed upon other land in the district.

10640 (e) If no petition under Subsection (8)(d) is timely filed, the contract assessment is
10641 conclusively considered to have been made in proportion to the benefits conferred on the land
10642 in the district.

10643 (9) Each resolution, ordinance, or order under which a water conservancy district
10644 levied a Class B, Class C, or Class D assessment before April 30, 2007, under the law in effect
10645 at the time of the levy is validated, ratified, and confirmed, and a water conservancy district
10646 may continue to levy the assessment according to the terms of the resolution, ordinance, or
10647 order.

10648 (10) A contract assessment is not a levy of an ad valorem property tax and is not
10649 subject to the limits stated in Section [17B-2a-1006](#).

10650 Section 239. Section **17B-2a-1103** is amended to read:

10651 **17B-2a-1103. Limited to counties of the first class -- Provisions applicable to**
10652 **municipal services districts.**

10653 (1) (a) Except as provided in Subsection (1)(b) and Section [17B-2a-1110](#), a municipal
10654 services district may be created only in unincorporated areas in a county of the first class.

10655 (b) Subject to Subsection (1)(c), after the initial creation of a municipal services
10656 district, an area may be annexed into the municipal services district in accordance with Chapter
10657 1, Part 4, Annexation, whether that area is unincorporated or incorporated.

10658 (c) An area annexed under Subsection (1)(b) may not be located outside of the
10659 originating county of the first class.

10660 (2) Each municipal services district is governed by the powers stated in:

- 10661 (a) this part; and
- 10662 (b) Chapter 1, Provisions Applicable to All [~~Local~~] Special Districts.
- 10663 (3) This part applies only to a municipal services district.
- 10664 (4) A municipal services district is not subject to the provisions of any other part of this
- 10665 chapter.
- 10666 (5) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
- 10667 [~~Local~~] Special Districts, and a provision in this part, the provisions in this part govern.
- 10668 Section 240. Section **17B-2a-1104** is amended to read:
- 10669 **17B-2a-1104. Additional municipal services district powers.**
- 10670 In addition to the powers conferred on a municipal services district under Section
- 10671 **17B-1-103**, a municipal services district may:
- 10672 (1) notwithstanding Subsection **17B-1-202**(3), provide no more than six municipal
- 10673 services; and
- 10674 (2) issue bonds as provided in and subject to Chapter 1, Part 11, [~~Local~~] Special
- 10675 District Bonds, to carry out the purposes of the district.
- 10676 Section 241. Section **17B-2a-1106** is amended to read:
- 10677 **17B-2a-1106. Municipal services district board of trustees -- Governance.**
- 10678 (1) Notwithstanding any other provision of law regarding the membership of a [~~local~~]
- 10679 special district board of trustees, the initial board of trustees of a municipal services district
- 10680 shall consist of the county legislative body.
- 10681 (2) (a) If, after the initial creation of a municipal services district, an area within the
- 10682 district is incorporated as a municipality as defined in Section **10-1-104** and the area is not
- 10683 withdrawn from the district in accordance with Section **17B-1-502** or **17B-1-505**, or an area
- 10684 within the municipality is annexed into the municipal services district in accordance with
- 10685 Section **17B-2a-1103**, the district's board of trustees shall be as follows:
- 10686 (i) subject to Subsection (2)(b), a member of that municipality's governing body;
- 10687 (ii) one member of the county council of the county in which the municipal services
- 10688 district is located; and
- 10689 (iii) the total number of board members is not required to be an odd number.
- 10690 (b) A member described in Subsection (2)(a)(i) shall be:
- 10691 (i) for a municipality other than a metro township, designated by the municipal

10692 legislative body; and

10693 (ii) for a metro township, the mayor of the metro township or, during any period of
10694 time when the mayor is absent, unable, or refuses to act, the mayor pro tempore that the metro
10695 township council elects in accordance with Subsection 10-3b-503(4).

10696 (3) For a board of trustees described in Subsection (2), each board member's vote is
10697 weighted using the proportion of the municipal services district population that resides:

10698 (a) for each member described in Subsection (2)(a)(i), within that member's
10699 municipality; and

10700 (b) for the member described in Subsection (2)(a)(ii), within the unincorporated
10701 county.

10702 (4) The board may adopt a resolution providing for future board members to be
10703 appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.

10704 (5) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of trustees
10705 may adopt a resolution to determine the internal governance of the board.

10706 (6) The municipal services district and the county may enter into an agreement for the
10707 provision of legal services to the municipal services district.

10708 Section 242. Section 17D-1-102 is amended to read:

10709 **17D-1-102. Definitions.**

10710 As used in this chapter:

10711 (1) "Adequate protests" means written protests timely filed by:

10712 (a) the owners of private real property that:

10713 (i) is located within the applicable area;

10714 (ii) covers at least 25% of the total private land area within the applicable area; and

10715 (iii) is equal in value to at least 15% of the value of all private real property within the
10716 applicable area; or

10717 (b) registered voters residing within the applicable area equal in number to at least 25%
10718 of the number of votes cast in the applicable area for the office of president of the United States
10719 at the most recent election prior to the adoption of the resolution or filing of the petition.

10720 (2) "Applicable area" means:

10721 (a) for a proposal to create a special service district, the area included within the
10722 proposed special service district;

- 10723 (b) for a proposal to annex an area to an existing special service district, the area
10724 proposed to be annexed;
- 10725 (c) for a proposal to add a service to the service or services provided by a special
10726 service district, the area included within the special service district; and
- 10727 (d) for a proposal to consolidate special service districts, the area included within each
10728 special service district proposed to be consolidated.
- 10729 (3) "Facility" or "facilities" includes any structure, building, system, land, water right,
10730 water, or other real or personal property required to provide a service that a special service
10731 district is authorized to provide, including any related or appurtenant easement or right-of-way,
10732 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.
- 10733 (4) "General obligation bond":
- 10734 (a) means a bond that is directly payable from and secured by ad valorem property
10735 taxes that are:
- 10736 (i) levied:
- 10737 (A) by the county or municipality that created the special service district that issues the
10738 bond; and
- 10739 (B) on taxable property within the special service district; and
- 10740 (ii) in excess of the ad valorem property taxes for the current fiscal year; and
- 10741 (b) does not include:
- 10742 (i) a short-term bond;
- 10743 (ii) a tax and revenue anticipation bond; or
- 10744 (iii) a special assessment bond.
- 10745 (5) "Governing body" means:
- 10746 (a) the legislative body of the county or municipality that creates the special service
10747 district, to the extent that the county or municipal legislative body has not delegated authority
10748 to an administrative control board created under Section [17D-1-301](#); or
- 10749 (b) the administrative control board of the special service district, to the extent that the
10750 county or municipal legislative body has delegated authority to an administrative control board
10751 created under Section [17D-1-301](#).
- 10752 (6) "Guaranteed bonds" means bonds:
- 10753 (a) issued by a special service district; and

10754 (b) the debt service of which is guaranteed by one or more taxpayers owning property
10755 within the special service district.

10756 [~~(7)~~] "~~Local district~~" has the same meaning as defined in Section ~~17B-1-102~~.]

10757 [~~(8)~~] (7) "Revenue bond":

10758 (a) means a bond payable from designated taxes or other revenues other than the ad
10759 valorem property taxes of the county or municipality that created the special service district;
10760 and

10761 (b) does not include:

10762 (i) an obligation constituting an indebtedness within the meaning of an applicable
10763 constitutional or statutory debt limit;

10764 (ii) a tax and revenue anticipation bond; or

10765 (iii) a special assessment bond.

10766 [~~(9)~~] (8) "Special assessment" means an assessment levied against property to pay all
10767 or a portion of the costs of making improvements that benefit the property.

10768 [~~(10)~~] (9) "Special assessment bond" means a bond payable from special assessments.

10769 (10) "Special district" means the same as that term is defined in Section 17B-1-102.

10770 (11) "Special service district" means a limited purpose local government entity, as
10771 described in Section 17D-1-103, that:

10772 (a) is created under authority of the Utah Constitution Article XI, Section 7; and

10773 (b) operates under, is subject to, and has the powers set forth in this chapter.

10774 (12) "Tax and revenue anticipation bond" means a bond:

10775 (a) issued in anticipation of the collection of taxes or other revenues or a combination
10776 of taxes and other revenues; and

10777 (b) that matures within the same fiscal year as the fiscal year in which the bond is
10778 issued.

10779 Section 243. Section **17D-1-106** is amended to read:

10780 **17D-1-106. Special service districts subject to other provisions.**

10781 (1) A special service district is, to the same extent as if it were a [~~local~~] special district,
10782 subject to and governed by:

10783 (a) (i) Sections 17B-1-105, 17B-1-107, 17B-1-108, 17B-1-110, 17B-1-111, 17B-1-113,
10784 17B-1-116, 17B-1-118, 17B-1-119, 17B-1-120, 17B-1-121, 17B-1-304, 17B-1-307,

10785 17B-1-310, 17B-1-311, 17B-1-312, 17B-1-313, and 17B-1-314; and

10786 (ii) Sections 17B-1-305 and 17B-1-306, to the extent that a county legislative body or a
10787 municipal legislative body, as applicable, has delegated authority to an administrative control
10788 board with elected members, under Section 17D-1-301.

10789 (b) Subsections:

10790 (i) 17B-1-301(3) and (4); and

10791 (ii) 17B-1-303(1), (2)(a) and (b), (3), (4), (5), (6), (7), and (9);

10792 (c) Section 20A-1-512;

10793 (d) Title 17B, Chapter 1, Part 6, Fiscal Procedures for [~~Local~~] Special Districts;

10794 (e) Title 17B, Chapter 1, Part 7, [~~Local~~] Special District Budgets and Audit Reports;

10795 (f) Title 17B, Chapter 1, Part 8, [~~Local~~] Special District Personnel Management; and

10796 (g) Title 17B, Chapter 1, Part 9, Collection of Service Fees and Charges.

10797 (2) For purposes of applying the provisions listed in Subsection (1) to a special service
10798 district, each reference in those provisions to the [~~local~~] special district board of trustees means
10799 the governing body.

10800 Section 244. Section 17D-1-305 is amended to read:

10801 **17D-1-305. Compensation for administrative control board members.**

10802 An administrative control board member may receive compensation and reimbursement
10803 of expenses as provided in Section 17B-1-307 to the same extent as if the member were a
10804 member of a board of trustees of a [~~local~~] special district.

10805 Section 245. Section 17D-1-601 is amended to read:

10806 **17D-1-601. Adoption of a resolution to approve withdrawal, dissolution,
10807 discontinuance of a service, or reorganization.**

10808 Subject to and as provided in this part, the legislative body of the county or
10809 municipality that created a special service district may by resolution:

10810 (1) approve the withdrawal of an area from the special service district if the legislative
10811 body determines that the area should not or cannot be provided the service that the special
10812 service district provides;

10813 (2) approve the dissolution of the special service district if the legislative body
10814 determines that the special service district is no longer needed for the purposes for which it was
10815 created;

10816 (3) discontinue a service that the special service district provides; or

10817 (4) reorganize the special service district as a [~~local~~] special district.

10818 Section 246. Section **17D-1-603** is amended to read:

10819 **17D-1-603. Notice and plat to lieutenant governor -- Recording requirements.**

10820 (1) If a county or municipal legislative body adopts a resolution approving the
10821 withdrawal of an area from a special service district, the dissolution of a special service district,
10822 or the reorganization of a special service district as a [~~local~~] special district, the county or
10823 municipal legislative body, as the case may be, shall:

10824 (a) within 30 days after adopting the resolution, file with the lieutenant governor:

10825 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
10826 that meets the requirements of Subsection 67-1a-6.5(3); and

10827 (ii) in the case of a withdrawal, a copy of an approved final local entity plat, as defined
10828 in Section 67-1a-6.5; and

10829 (b) upon the lieutenant governor's issuance of a certificate of withdrawal, dissolution,
10830 or incorporation, as the case may be, under Section 67-1a-6.5, submit to the recorder of the
10831 county in which the special service district is located:

10832 (i) the original notice of an impending boundary action;

10833 (ii) the original certificate of withdrawal or dissolution, as the case may be;

10834 (iii) in the case of a withdrawal, the original approved final local entity plat; and

10835 (iv) a certified copy of the resolution approving the withdrawal, dissolution, or
10836 incorporation.

10837 (2) (a) Upon the lieutenant governor's issuance of the certificate of withdrawal under
10838 Section 67-1a-6.5, the area to be withdrawn that is the subject of the legislative body's
10839 resolution is withdrawn from the special service district.

10840 (b) Upon the lieutenant governor's issuance of the certificate of dissolution under
10841 Section 67-1a-6.5, the special service district is dissolved.

10842 (3) (a) Upon the lieutenant governor's issuance of a certificate of incorporation as
10843 provided in Section 67-1a-6.5, the special service district is:

10844 (i) reorganized and incorporated as a [~~local~~] special district subject to the provisions of
10845 Title 17B, Chapter 1, Provisions Applicable to All [~~Local~~] Special Districts;

10846 (ii) subject to Subsection (3)(b), if the special service district is reorganized as a [~~local~~]

10847 special district described in and subject to Title 17B, Chapter 2a, Provisions Applicable to
10848 Different Types of [~~local~~] Special Districts, the applicable part of that chapter; and

10849 (iii) no longer a special service district.

10850 (b) A special service district reorganized as a [~~local~~] special district is a basic [~~local~~]
10851 special district as provided in Title 17B, Chapter 1, Part 14, Basic [~~local~~] Special District,
10852 unless the resolution adopted in accordance with Subsection 17D-1-604(5):

10853 (i) specifies that the reorganized [~~local~~] special district is a different type of [~~local~~]
10854 special district other than a basic [~~local~~] special district; and

10855 (ii) states the type of that [~~local~~] special district, including the governing part in Title
10856 17B, Chapter 2a, Provisions Applicable to Different Types of [~~local~~] Special Districts.

10857 Section 247. Section 17D-1-604 is amended to read:

10858 **17D-1-604. Reorganization as a special district.**

10859 (1) The legislative body of a county or municipality that has created a special service
10860 district may reorganize the special service district as a [~~local~~] special district in accordance
10861 with this section.

10862 (2) The process to reorganize a special service district as a [~~local~~] special district is
10863 initiated if the legislative body of the county or municipality that originally created the special
10864 service district adopts a resolution that:

10865 (a) indicates the legislative body's intent to reorganize the special service district as a
10866 [~~local~~] special district; and

10867 (b) complies with the requirements of Subsection (3).

10868 (3) A resolution to initiate reorganization described in Subsection (2) shall:

10869 (a) state the name of the special service district that is proposed to be reorganized as a
10870 [~~local~~] special district;

10871 (b) generally describe the boundaries of the special service district, whether or not
10872 those boundaries coincide with the boundaries of the creating county or municipality; and

10873 (c) specify each service that the special service district is authorized to provide.

10874 (4) After adopting the resolution described in Subsection (3), the legislative body of the
10875 county or municipality that created the special service district shall hold a public hearing
10876 following the notice requirements of Section 17D-1-205 applicable to the creation of a special
10877 service district, with changes as appropriate for the reorganization of the special service district

10878 as a ~~local~~ special district.

10879 (5) (a) At or following the public hearing, the county or municipal legislative body
10880 shall:

10881 (i) subject to Subsection (5)(b), adopt a resolution approving the reorganization of the
10882 special service district as a ~~local~~ special district; or

10883 (ii) abandon the reorganization.

10884 (b) A resolution approving reorganization shall:

10885 (i) state the name of the special service district that is being reorganized as a ~~local~~
10886 special district;

10887 (ii) state the name of the ~~local~~ special district in accordance with Subsection (7);

10888 (iii) subject to Subsection (5)(c), describe the boundaries of the ~~local~~ special district;

10889 (iv) subject to Subsection (8)(a), specify the service or services to be provided by the
10890 ~~local~~ special district;

10891 (v) state:

10892 (A) whether the ~~local~~ special district is a different type of ~~local~~ special district other
10893 than a basic ~~local~~ special district; and

10894 (B) if the reorganized ~~local~~ special district is not a basic ~~local~~ special district, the
10895 type of ~~local~~ special district, including the governing part in Title 17B, Chapter 2a, Provisions
10896 Applicable to Different Types of ~~Local~~ Special Districts;

10897 (vi) state whether the ~~local~~ special district is to be governed by an appointed or an
10898 elected board of trustees, or a combination of appointed and elected trustees, in accordance
10899 with Title 17B, Chapter 1, Part 3, Board of Trustees;

10900 (vii) state whether an administrative control board established for the special service
10901 district that is being reorganized as a ~~local~~ special district will serve as the first board of
10902 trustees of the ~~local~~ special district; and

10903 (viii) contain additional provisions as necessary.

10904 (c) The boundaries of the ~~local~~ special district shall reflect the boundaries of the
10905 reorganized special service district.

10906 (6) A county may not reorganize a special service district as a ~~local~~ special district to
10907 include some or all of the area within a municipality unless the legislative body of the
10908 municipality adopts a resolution or ordinance consenting to the reorganization.

- 10909 (7) The name of the [local] special district:
- 10910 (a) shall comply with Subsection 17-50-103(2)(a); and
- 10911 (b) may not include the phrase "special service district."
- 10912 (8) A [local] special district created under this section may not provide:
- 10913 (a) (i) at the time of reorganization, a service that it could not have provided as the
- 10914 special service district prior to reorganization; or
- 10915 (ii) after reorganization, an additional service listed in Section 17B-1-202, unless the
- 10916 [local] special district adds the service in accordance with the provisions of Title 17B, Chapter
- 10917 1, Provisions Applicable to All [Local] Special Districts; and
- 10918 (b) more than four of the services listed in Section 17B-1-202 at any time.
- 10919 (9) After the lieutenant governor issues, in accordance with Section 67-1a-6.5, a
- 10920 certificate of incorporation for a [local] special district created under this section, the [local]
- 10921 special district:
- 10922 (a) is:
- 10923 (i) a body corporate and politic with perpetual succession;
- 10924 (ii) a quasi-municipal corporation; and
- 10925 (iii) a political subdivision of the state as provided in Section 17B-1-103; and
- 10926 (b) may, subject to Subsection (8), provide a service that:
- 10927 (i) the special service district was authorized to provide before reorganization; and
- 10928 (ii) the [local] special district is authorized to provide under the resolution adopted in
- 10929 accordance with Subsection (5).
- 10930 (10) An action taken, a bond issued, or a contract or other obligation entered into by
- 10931 the reorganized special service district before reorganization is a valid action, bond issuance,
- 10932 contract, or other obligation of the [local] special district.
- 10933 (11) A [local] special district created under this section:
- 10934 (a) may impose and collect taxes, fees, and other charges for services provided in
- 10935 accordance with applicable law;
- 10936 (b) shall own all property acquired by the special service district before reorganization;
- 10937 and
- 10938 (c) shall have a power, right, or obligation that the reorganized special service district
- 10939 had before the reorganization, unless otherwise provided by law.

10940 Section 248. Section 17D-2-102 is amended to read:

10941 **17D-2-102. Definitions.**

10942 As used in this chapter:

10943 (1) "Authority board" means the board of directors of a local building authority, as
10944 described in Section 17D-2-203.

10945 (2) "Bond" includes a bond, note, or other instrument issued under this chapter
10946 evidencing an indebtedness of a local building authority.

10947 (3) "Creating local entity" means the local entity that creates or created the local
10948 building authority.

10949 (4) "Governing body" means:

10950 (a) for a county, city, or town, the legislative body of the county, city, or town;

10951 (b) for a school district, the local school board for the school district;

10952 (c) for a ~~[local]~~ special district, the ~~[local]~~ special district's board of trustees; and

10953 (d) for a special service district, the special service district's governing body, as defined
10954 in Section 17D-1-102.

10955 (5) "Local building authority":

10956 (a) means a nonprofit corporation that is:

10957 (i) created as provided in Section 17D-2-201;

10958 (ii) described in Section 17D-2-103; and

10959 (iii) subject to and governed by the provisions of this chapter; and

10960 (b) includes a nonprofit corporation created as a municipal building authority before
10961 May 5, 2008 under the law then in effect.

10962 ~~[(6) "Local district" has the same meaning as provided in Section 17B-1-102.]~~

10963 ~~[(7)]~~ (6) "Local entity" means a county, city, town, school district, ~~[local]~~ special
10964 district, or special service district.

10965 ~~[(8)]~~ (7) "Mortgage" means any instrument under which property may be encumbered
10966 as security for an obligation, including a mortgage, trust deed, indenture, pledge, assignment,
10967 security agreement, and financing statement.

10968 ~~[(9)]~~ (8) "Project" means an improvement, facility, property, or appurtenance to
10969 property that a local entity is permitted under law to own or acquire, whether located inside or
10970 outside the local entity's boundary, including:

- 10971 (a) a public building or other structure of any kind; and
- 10972 (b) a joint or partial interest in the improvement, facility, property, or appurtenance to
- 10973 property.
- 10974 ~~[(10)]~~ (9) "Project costs":
- 10975 (a) means all costs incurred in the development of a project; and
- 10976 (b) includes:
- 10977 (i) organizational and incorporation fees, including filing, legal, and financial advisor
- 10978 fees;
- 10979 (ii) the cost of a site for the project;
- 10980 (iii) the cost of equipment and furnishings for the project;
- 10981 (iv) the cost of planning and designing the project, including architectural, planning,
- 10982 engineering, legal, and fiscal advisor fees;
- 10983 (v) contractor fees associated with the project;
- 10984 (vi) the cost of issuing local building authority bonds to finance the project, including
- 10985 printing costs, document preparation costs, filing fees, recording fees, legal and other
- 10986 professional fees, underwriting costs, bond discount costs, any premium on the bonds, and any
- 10987 fees required to be paid to retire outstanding bonds;
- 10988 (vii) interest on local building authority bonds issued to finance the project;
- 10989 (viii) carrying costs;
- 10990 (ix) interest estimated to accrue on local building authority bonds during the period of
- 10991 construction of the project and for 12 months after;
- 10992 (x) any amount the governing body finds necessary to establish one or more reserve
- 10993 funds;
- 10994 (xi) any amount the governing body finds necessary to provide working capital for the
- 10995 project;
- 10996 (xii) all costs of transferring title of the project to the creating local entity;
- 10997 (xiii) all costs of dissolving the local building authority; and
- 10998 (xiv) all other reasonable costs associated with the project.
- 10999 (10) "Special district" means the same as that term is defined in Section [17B-1-102](#).
- 11000 (11) "Special service district" ~~[has the same meaning as provided]~~ means the same as
- 11001 that term is defined in Section [17D-1-102](#).

11002 Section 249. Section 17D-3-105 is amended to read:

11003 **17D-3-105. Conservation districts subject to other provisions.**

11004 (1) Subject to Subsection (3), a conservation district is, to the same extent as if it were
11005 a ~~local~~ special district, subject to and governed by:

11006 (a) Sections 17B-1-105, 17B-1-107, 17B-1-108, 17B-1-110, 17B-1-113, 17B-1-116,
11007 17B-1-121, 17B-1-307, 17B-1-311, 17B-1-313, and 17B-1-314;

11008 (b) Title 17B, Chapter 1, Part 6, Fiscal Procedures for ~~Local~~ Special Districts;

11009 (c) Title 17B, Chapter 1, Part 7, ~~Local~~ Special District Budgets and Audit Reports;

11010 (d) Title 17B, Chapter 1, Part 8, ~~Local~~ Special District Personnel Management; and

11011 (e) Title 17B, Chapter 1, Part 9, Collection of Service Fees and Charges.

11012 (2) For purposes of applying the provisions listed in Subsection (1) to a conservation
11013 district, each reference in those provisions to the ~~local~~ special district board of trustees means
11014 the board of supervisors described in Section 17D-3-301.

11015 (3) A conservation district may not exercise taxing authority.

11016 Section 250. Section 17D-4-201 is amended to read:

11017 **17D-4-201. Creation -- Annexation or withdrawal of property.**

11018 (1) (a) Except as provided in Subsection (1)(b), Subsection (2), and in addition to the
11019 provisions regarding creation of a ~~local~~ special district in Title 17B, Chapter 1, Provisions
11020 Applicable to All ~~Local~~ Special Districts, a public infrastructure district may not be created
11021 unless:

11022 (i) if there are any registered voters within the applicable area, a petition is filed with
11023 the creating entity that contains the signatures of 100% of registered voters within the
11024 applicable area approving the creation of the public infrastructure district; and

11025 (ii) a petition is filed with the creating entity that contains the signatures of 100% of
11026 surface property owners within the applicable area consenting to the creation of the public
11027 infrastructure district.

11028 (b) Notwithstanding Title 17B, Chapter 1, Part 2, Creation of a ~~Local~~ Special District,
11029 and any other provision of this chapter, the development authority may adopt a resolution
11030 creating a public infrastructure district as a subsidiary of the development authority if all
11031 owners of surface property proposed to be included within the public infrastructure district
11032 consent in writing to the creation of the public infrastructure district.

11033 (2) (a) The following do not apply to the creation of a public infrastructure district:

11034 (i) Section 17B-1-203;

11035 (ii) Section 17B-1-204;

11036 (iii) Subsection 17B-1-208(2);

11037 (iv) Section 17B-1-212; or

11038 (v) Section 17B-1-214.

11039 (b) The protest period described in Section 17B-1-213 may be waived in whole or in
11040 part with the consent of:

11041 (i) 100% of registered voters within the applicable area approving the creation of the
11042 public infrastructure district; and

11043 (ii) 100% of the surface property owners within the applicable area approving the
11044 creation of the public infrastructure district.

11045 (c) If the protest period is waived under Subsection (2)(b), a resolution approving the
11046 creation of the public infrastructure district may be adopted in accordance with Subsection
11047 17B-1-213(5).

11048 (d) A petition meeting the requirements of Subsection (1):

11049 (i) may be certified under Section 17B-1-209; and

11050 (ii) shall be filed with the lieutenant governor in accordance with Subsection
11051 17B-1-215(1)(b)(iii).

11052 (3) (a) Notwithstanding Title 17B, Chapter 1, Part 4, Annexation, an area outside of the
11053 boundaries of a public infrastructure district may be annexed into the public infrastructure
11054 district if the following requirements are met:

11055 (i) (A) adoption of resolutions of the board and the creating entity, each approving of
11056 the annexation; or

11057 (B) adoption of a resolution of the board to annex the area, provided that the governing
11058 document or creation resolution for the public infrastructure district authorizes the board to
11059 annex an area outside of the boundaries of the public infrastructure district without future
11060 consent of the creating entity;

11061 (ii) if there are any registered voters within the area proposed to be annexed, a petition
11062 is filed with the creating entity that contains the signatures of 100% of registered voters within
11063 the area, demonstrating that the registered voters approve of the annexation into the public

11064 infrastructure district; and

11065 (iii) a petition is filed with the creating entity that contains the signatures of 100% of
11066 surface property owners within the area proposed to be annexed, demonstrating the surface
11067 property owners' consent to the annexation into the public infrastructure district.

11068 (b) Within 30 days of meeting the requirements of Subsection (3)(a), the board shall file
11069 with the lieutenant governor:

11070 (i) a copy of a notice of impending boundary action, as defined in Section 67-1a-6.5,
11071 that meets the requirements of Subsection 67-1a-6.5(3); and

11072 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

11073 (4) (a) Notwithstanding Title 17B, Chapter 1, Part 5, Withdrawal, property may be
11074 withdrawn from a public infrastructure district if the following requirements are met:

11075 (i) (A) adoption of resolutions of the board and the creating entity, each approving of
11076 the withdrawal; or

11077 (B) adoption of a resolution of the board to withdraw the property, provided that the
11078 governing document or creation resolution for the public infrastructure district authorizes the
11079 board to withdraw property from the public infrastructure district without further consent from
11080 the creating entity;

11081 (ii) if there are any registered voters within the area proposed to be withdrawn, a
11082 petition is filed with the creating entity that contains the signatures of 100% of registered voters
11083 within the area, demonstrating that the registered voters approve of the withdrawal from the
11084 public infrastructure district; and

11085 (iii) a petition is filed with the creating entity that contains the signatures of 100% of
11086 surface property owners within the area proposed to be withdrawn, demonstrating that the
11087 surface property owners consent to the withdrawal from the public infrastructure district.

11088 (b) If any bonds that the public infrastructure district issues are allocable to the area to
11089 be withdrawn remain unpaid at the time of the proposed withdrawal, the property remains
11090 subject to any taxes, fees, or assessments that the public infrastructure district imposes until the
11091 bonds or any associated refunding bonds are paid.

11092 (c) Upon meeting the requirements of Subsections (4)(a) and (b), the board shall
11093 comply with the requirements of Section 17B-1-512.

11094 (5) A creating entity may impose limitations on the powers of a public infrastructure

11095 district through the governing document.

11096 (6) (a) A public infrastructure district is separate and distinct from the creating entity.

11097 (b) (i) Except as provided in Subsection (6)(b)(ii), any financial burden of a public
11098 infrastructure district:

11099 (A) is borne solely by the public infrastructure district; and

11100 (B) is not borne by the creating entity, by the state, or by any municipality, county, or
11101 other political subdivision.

11102 (ii) Notwithstanding Subsection (6)(b)(i) and Section 17B-1-216, the governing
11103 document may require:

11104 (A) the district applicant to bear the initial costs of the public infrastructure district;
11105 and

11106 (B) the public infrastructure district to reimburse the district applicant for the initial
11107 costs the creating entity bears.

11108 (c) Any liability, judgment, or claim against a public infrastructure district:

11109 (i) is the sole responsibility of the public infrastructure district; and

11110 (ii) does not constitute a liability, judgment, or claim against the creating entity, the
11111 state, or any municipality, county, or other political subdivision.

11112 (d) (i) (A) The public infrastructure district solely bears the responsibility of any
11113 collection, enforcement, or foreclosure proceeding with regard to any tax, fee, or assessment
11114 the public infrastructure district imposes.

11115 (B) The creating entity does not bear the responsibility described in Subsection
11116 (6)(d)(i)(A).

11117 (ii) A public infrastructure district, and not the creating entity, shall undertake the
11118 enforcement responsibility described in, as applicable, Subsection (6)(d)(i) in accordance with
11119 Title 59, Chapter 2, Property Tax Act, or Title 11, Chapter 42, Assessment Area Act.

11120 (7) A creating entity may establish criteria in determining whether to approve or
11121 disapprove of the creation of a public infrastructure district, including:

11122 (a) historical performance of the district applicant;

11123 (b) compliance with the creating entity's master plan;

11124 (c) credit worthiness of the district applicant;

11125 (d) plan of finance of the public infrastructure district; and

- 11126 (e) proposed development within the public infrastructure district.
- 11127 (8) (a) The creation of a public infrastructure district is subject to the sole discretion of
- 11128 the creating entity responsible for approving or rejecting the creation of the public
- 11129 infrastructure district.
- 11130 (b) The proposed creating entity bears no liability for rejecting the proposed creation of
- 11131 a public infrastructure district.
- 11132 Section 251. Section **17D-4-203** is amended to read:
- 11133 **17D-4-203. Public infrastructure district powers.**
- 11134 A public infrastructure district shall have all of the authority conferred upon a ~~local~~
- 11135 special district under Section **17B-1-103**, and in addition a public infrastructure district may:
- 11136 (1) issue negotiable bonds to pay:
- 11137 (a) all or part of the costs of acquiring, acquiring an interest in, improving, or extending
- 11138 any of the improvements, facilities, or property allowed under Section **11-14-103**;
- 11139 (b) capital costs of improvements in an energy assessment area, as defined in Section
- 11140 **11-42a-102**, and other related costs, against the funds that the public infrastructure district will
- 11141 receive because of an assessment in an energy assessment area, as defined in Section
- 11142 **11-42a-102**;
- 11143 (c) public improvements related to the provision of housing;
- 11144 (d) capital costs related to public transportation; and
- 11145 (e) for a public infrastructure district created by a development authority, the cost of
- 11146 acquiring or financing public infrastructure and improvements, as defined in Section
- 11147 **63H-1-102**;
- 11148 (2) enter into an interlocal agreement in accordance with Title 11, Chapter 13,
- 11149 Interlocal Cooperation Act, provided that the interlocal agreement may not expand the powers
- 11150 of the public infrastructure district, within the limitations of Title 11, Chapter 13, Interlocal
- 11151 Cooperation Act, without the consent of the creating entity;
- 11152 (3) acquire completed or partially completed improvements for fair market value as
- 11153 reasonably determined by:
- 11154 (a) the board;
- 11155 (b) the creating entity, if required in the governing document; or
- 11156 (c) a surveyor or engineer that a public infrastructure district employs or engages to

11157 perform the necessary engineering services for and to supervise the construction or installation
11158 of the improvements;

11159 (4) contract with the creating entity for the creating entity to provide administrative
11160 services on behalf of the public infrastructure district, when agreed to by both parties, in order
11161 to achieve cost savings and economic efficiencies, at the discretion of the creating entity; and

11162 (5) for a public infrastructure district created by a development authority:

11163 (a) (i) operate and maintain public infrastructure and improvements the district
11164 acquires or finances; and

11165 (ii) use fees, assessments, or taxes to pay for the operation and maintenance of those
11166 public infrastructure and improvements; and

11167 (b) issue bonds under Title 11, Chapter 42, Assessment Area Act.

11168 Section 252. Section **17D-4-301** is amended to read:

11169 **17D-4-301. Public infrastructure district bonds.**

11170 (1) A public infrastructure district may issue negotiable bonds for the purposes
11171 described in Section [17D-4-203](#), as provided in, as applicable:

11172 (a) Title 11, Chapter 14, Local Government Bonding Act;

11173 (b) Title 11, Chapter 27, Utah Refunding Bond Act;

11174 (c) Title 11, Chapter 42, Assessment Area Act; and

11175 (d) this section.

11176 (2) A public infrastructure district bond:

11177 (a) shall mature within 40 years of the date of issuance; and

11178 (b) may not be secured by any improvement or facility paid for by the public
11179 infrastructure district.

11180 (3) (a) A public infrastructure district may issue a limited tax bond, in the same manner
11181 as a general obligation bond:

11182 (i) with the consent of 100% of surface property owners within the boundaries of the
11183 public infrastructure district and 100% of the registered voters, if any, within the boundaries of
11184 the proposed public infrastructure district; or

11185 (ii) upon approval of a majority of the registered voters within the boundaries of the
11186 public infrastructure district voting in an election held for that purpose under Title 11, Chapter
11187 14, Local Government Bonding Act.

- 11188 (b) A limited tax bond described in Subsection (3)(a):
- 11189 (i) is not subject to the limitation on a general obligation bond described in Subsection
- 11190 17B-1-1102(4)[(a)(xii)]; and
- 11191 (ii) is subject to a limitation, if any, on the principal amount of indebtedness as
- 11192 described in the governing document.
- 11193 (c) Unless limited tax bonds are initially purchased exclusively by one or more
- 11194 qualified institutional buyers as defined in Rule 144A, 17 C.F.R. Sec. 230.144A, the public
- 11195 infrastructure district may only issue limited tax bonds in denominations of not less than
- 11196 \$500,000, and in integral multiples above \$500,000 of not less than \$1,000 each.
- 11197 (d) (i) Without any further election or consent of property owners or registered voters,
- 11198 a public infrastructure district may convert a limited tax bond described in Subsection (3)(a) to
- 11199 a general obligation bond if the principal amount of the related limited tax bond together with
- 11200 the principal amount of other related outstanding general obligation bonds of the public
- 11201 infrastructure district does not exceed 15% of the fair market value of taxable property in the
- 11202 public infrastructure district securing the general obligation bonds, determined by:
- 11203 (A) an appraisal from an appraiser who is a member of the Appraisal Institute that is
- 11204 addressed to the public infrastructure district or a financial institution; or
- 11205 (B) the most recent market value of the property from the assessor of the county in
- 11206 which the property is located.
- 11207 (ii) The consent to the issuance of a limited tax bond described in Subsection (3)(a) is
- 11208 sufficient to meet any statutory or constitutional election requirement necessary for the
- 11209 issuance of the limited tax bond and any general obligation bond to be issued in place of the
- 11210 limited tax bond upon meeting the requirements of this Subsection (3)(d).
- 11211 (iii) A general obligation bond resulting from a conversion of a limited tax bond under
- 11212 this Subsection (3)(d) is not subject to the limitation on general obligation bonds described in
- 11213 Subsection 17B-1-1102(4)[(a)(xii)].
- 11214 (e) A public infrastructure district that levies a property tax for payment of debt service
- 11215 on a limited tax bond issued under this section is not required to comply with the notice and
- 11216 hearing requirements of Section 59-2-919 unless the rate exceeds the rate established in:
- 11217 (i) Section 17D-4-303, except as provided in Subsection (8);
- 11218 (ii) the governing document; or

11219 (iii) the documents relating to the issuance of the limited tax bond.

11220 (4) There is no limitation on the duration of revenues that a public infrastructure
11221 district may receive to cover any shortfall in the payment of principal of and interest on a bond
11222 that the public infrastructure district issues.

11223 (5) A public infrastructure district is not a municipal corporation for purposes of the
11224 debt limitation of Utah Constitution, Article XIV, Section 4.

11225 (6) The board may, by resolution, delegate to one or more officers of the public
11226 infrastructure district the authority to:

11227 (a) in accordance and within the parameters set forth in a resolution adopted in
11228 accordance with Section [11-14-302](#), approve the final interest rate, price, principal amount,
11229 maturity, redemption features, and other terms of the bond;

11230 (b) approve and execute any document relating to the issuance of a bond; and

11231 (c) approve any contract related to the acquisition and construction of the
11232 improvements, facilities, or property to be financed with a bond.

11233 (7) (a) Any person may contest the legality of the issuance of a public infrastructure
11234 district bond or any provisions for the security and payment of the bond for a period of 30 days
11235 after:

11236 (i) publication of the resolution authorizing the bond; or

11237 (ii) publication of a notice of bond containing substantially the items required under
11238 Subsection [11-14-316\(2\)](#).

11239 (b) After the 30-day period described in Subsection (7)(a), no person may bring a
11240 lawsuit or other proceeding contesting the regularity, formality, or legality of the bond for any
11241 reason.

11242 (8) (a) In the event of any statutory change in the methodology of assessment or
11243 collection of property taxes in a manner that reduces the amounts which are devoted or pledged
11244 to the repayment of limited tax bonds, a public infrastructure district may charge a rate
11245 sufficient to receive the amount of property taxes or assessment the public infrastructure
11246 district would have received before the statutory change in order to pay the debt service on
11247 outstanding limited tax bonds.

11248 (b) The rate increase described in Subsection (8)(a) may exceed the limit described in
11249 Section [17D-4-303](#).

11250 (c) The public infrastructure district may charge the rate increase described in
11251 Subsection (8)(a) until the bonds, including any associated refunding bonds, or other securities,
11252 together with applicable interest, are fully met and discharged.

11253 Section 253. Section **20A-1-102** is amended to read:

11254 **20A-1-102. Definitions.**

11255 As used in this title:

11256 (1) "Active voter" means a registered voter who has not been classified as an inactive
11257 voter by the county clerk.

11258 (2) "Automatic tabulating equipment" means apparatus that automatically examines
11259 and counts votes recorded on ballots and tabulates the results.

11260 (3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic
11261 storage medium, that records an individual voter's vote.

11262 (b) "Ballot" does not include a record to tally multiple votes.

11263 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
11264 on the ballot for their approval or rejection including:

11265 (a) an opinion question specifically authorized by the Legislature;

11266 (b) a constitutional amendment;

11267 (c) an initiative;

11268 (d) a referendum;

11269 (e) a bond proposition;

11270 (f) a judicial retention question;

11271 (g) an incorporation of a city or town; or

11272 (h) any other ballot question specifically authorized by the Legislature.

11273 (5) "Bind," "binding," or "bound" means securing more than one piece of paper
11274 together using staples or another means in at least three places across the top of the paper in the
11275 blank space reserved for securing the paper.

11276 (6) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
11277 [20A-4-306](#) to canvass election returns.

11278 (7) "Bond election" means an election held for the purpose of approving or rejecting
11279 the proposed issuance of bonds by a government entity.

11280 (8) "Business reply mail envelope" means an envelope that may be mailed free of

11281 charge by the sender.

11282 (9) "Canvass" means the review of election returns and the official declaration of
11283 election results by the board of canvassers.

11284 (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at
11285 the canvass.

11286 (11) "Contracting election officer" means an election officer who enters into a contract
11287 or interlocal agreement with a provider election officer.

11288 (12) "Convention" means the political party convention at which party officers and
11289 delegates are selected.

11290 (13) "Counting center" means one or more locations selected by the election officer in
11291 charge of the election for the automatic counting of ballots.

11292 (14) "Counting judge" means a poll worker designated to count the ballots during
11293 election day.

11294 (15) "Counting room" means a suitable and convenient private place or room for use
11295 by the poll workers and counting judges to count ballots.

11296 (16) "County officers" means those county officers that are required by law to be
11297 elected.

11298 (17) "Date of the election" or "election day" or "day of the election":

11299 (a) means the day that is specified in the calendar year as the day that the election
11300 occurs; and

11301 (b) does not include:

11302 (i) deadlines established for voting by mail, military-overseas voting, or emergency
11303 voting; or

11304 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early
11305 Voting.

11306 (18) "Elected official" means:

11307 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,
11308 Municipal Alternate Voting Methods Pilot Project;

11309 (b) a person who is considered to be elected to a municipal office in accordance with
11310 Subsection 20A-1-206(1)(c)(ii); or

11311 (c) a person who is considered to be elected to a ~~local~~ special district office in

11312 accordance with Subsection [20A-1-206\(3\)\(c\)\(ii\)](#).

11313 (19) "Election" means a regular general election, a municipal general election, a
11314 statewide special election, a local special election, a regular primary election, a municipal
11315 primary election, and a ~~[local]~~ special district election.

11316 (20) "Election Assistance Commission" means the commission established by the Help
11317 America Vote Act of 2002, Pub. L. No. 107-252.

11318 (21) "Election cycle" means the period beginning on the first day persons are eligible to
11319 file declarations of candidacy and ending when the canvass is completed.

11320 (22) "Election judge" means a poll worker that is assigned to:

- 11321 (a) preside over other poll workers at a polling place;
- 11322 (b) act as the presiding election judge; or
- 11323 (c) serve as a canvassing judge, counting judge, or receiving judge.

11324 (23) "Election officer" means:

- 11325 (a) the lieutenant governor, for all statewide ballots and elections;
- 11326 (b) the county clerk for:
 - 11327 (i) a county ballot and election; and
 - 11328 (ii) a ballot and election as a provider election officer as provided in Section
- 11329 [20A-5-400.1](#) or [20A-5-400.5](#);

11330 (c) the municipal clerk for:

- 11331 (i) a municipal ballot and election; and
- 11332 (ii) a ballot and election as a provider election officer as provided in Section
- 11333 [20A-5-400.1](#) or [20A-5-400.5](#);

11334 (d) the ~~[local]~~ special district clerk or chief executive officer for:

- 11335 (i) a ~~[local]~~ special district ballot and election; and
- 11336 (ii) a ballot and election as a provider election officer as provided in Section
- 11337 [20A-5-400.1](#) or [20A-5-400.5](#); or

11338 (e) the business administrator or superintendent of a school district for:

- 11339 (i) a school district ballot and election; and
- 11340 (ii) a ballot and election as a provider election officer as provided in Section
- 11341 [20A-5-400.1](#) or [20A-5-400.5](#).

11342 (24) "Election official" means any election officer, election judge, or poll worker.

11343 (25) "Election results" means:

11344 (a) for an election other than a bond election, the count of votes cast in the election and
11345 the election returns requested by the board of canvassers; or

11346 (b) for bond elections, the count of those votes cast for and against the bond
11347 proposition plus any or all of the election returns that the board of canvassers may request.

11348 (26) "Election returns" includes the pollbook, the military and overseas absentee voter
11349 registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted
11350 ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and
11351 the total votes cast form.

11352 (27) "Electronic signature" means an electronic sound, symbol, or process attached to
11353 or logically associated with a record and executed or adopted by a person with the intent to sign
11354 the record.

11355 (28) "Inactive voter" means a registered voter who is listed as inactive by a county
11356 clerk under Subsection 20A-2-306(4)(c)(i) or (ii).

11357 (29) "Judicial office" means the office filled by any judicial officer.

11358 (30) "Judicial officer" means any justice or judge of a court of record or any county
11359 court judge.

11360 [~~(31) "Local district" means a local government entity under Title 17B, Limited
11361 Purpose Local Government Entities - Local Districts, and includes a special service district
11362 under Title 17D, Chapter 1, Special Service District Act.]~~

11363 [~~(32) "Local district officers" means those local district board members that are
11364 required by law to be elected.]~~

11365 [(33)] (31) "Local election" means a regular county election, a regular municipal
11366 election, a municipal primary election, a local special election, a [~~local~~] special district election,
11367 and a bond election.

11368 [(34)] (32) "Local political subdivision" means a county, a municipality, a [~~local~~]
11369 special district, or a local school district.

11370 [(35)] (33) "Local special election" means a special election called by the governing
11371 body of a local political subdivision in which all registered voters of the local political
11372 subdivision may vote.

11373 [(36)] (34) "Manual ballot" means a paper document produced by an election officer on

11374 which an individual records an individual's vote by directly placing a mark on the paper
11375 document using a pen or other marking instrument.

11376 ~~[(37)]~~ (35) "Mechanical ballot" means a record, including a paper record, electronic
11377 record, or mechanical record, that:

11378 (a) is created via electronic or mechanical means; and

11379 (b) records an individual voter's vote cast via a method other than an individual directly
11380 placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

11381 ~~[(38)]~~ (36) "Municipal executive" means:

11382 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

11383 (b) the mayor in the council-manager form of government defined in Subsection
11384 10-3b-103(7); or

11385 (c) the chair of a metro township form of government defined in Section 10-3b-102.

11386 ~~[(39)]~~ (37) "Municipal general election" means the election held in municipalities and,
11387 as applicable, ~~[local]~~ special districts on the first Tuesday after the first Monday in November
11388 of each odd-numbered year for the purposes established in Section 20A-1-202.

11389 ~~[(40)]~~ (38) "Municipal legislative body" means:

11390 (a) the council of the city or town in any form of municipal government; or

11391 (b) the council of a metro township.

11392 ~~[(41)]~~ (39) "Municipal office" means an elective office in a municipality.

11393 ~~[(42)]~~ (40) "Municipal officers" means those municipal officers that are required by
11394 law to be elected.

11395 ~~[(43)]~~ (41) "Municipal primary election" means an election held to nominate
11396 candidates for municipal office.

11397 ~~[(44)]~~ (42) "Municipality" means a city, town, or metro township.

11398 ~~[(45)]~~ (43) "Official ballot" means the ballots distributed by the election officer for
11399 voters to record their votes.

11400 ~~[(46)]~~ (44) "Official endorsement" means the information on the ballot that identifies:

11401 (a) the ballot as an official ballot;

11402 (b) the date of the election; and

11403 (c) (i) for a ballot prepared by an election officer other than a county clerk, the
11404 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

- 11405 (ii) for a ballot prepared by a county clerk, the words required by Subsection
11406 [20A-6-301](#)(1)(b)(iii).
- 11407 [~~(47)~~] [\(45\)](#) "Official register" means the official record furnished to election officials
11408 by the election officer that contains the information required by Section [20A-5-401](#).
- 11409 [~~(48)~~] [\(46\)](#) "Political party" means an organization of registered voters that has
11410 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party
11411 Formation and Procedures.
- 11412 [~~(49)~~] [\(47\)](#) (a) "Poll worker" means a person assigned by an election official to assist
11413 with an election, voting, or counting votes.
- 11414 (b) "Poll worker" includes election judges.
- 11415 (c) "Poll worker" does not include a watcher.
- 11416 [~~(50)~~] [\(48\)](#) "Pollbook" means a record of the names of voters in the order that they
11417 appear to cast votes.
- 11418 [~~(51)~~] [\(49\)](#) "Polling place" means a building where voting is conducted.
- 11419 [~~(52)~~] [\(50\)](#) "Position" means a square, circle, rectangle, or other geometric shape on a
11420 ballot in which the voter marks the voter's choice.
- 11421 [~~(53)~~] [\(51\)](#) "Presidential Primary Election" means the election established in Chapter 9,
11422 Part 8, Presidential Primary Election.
- 11423 [~~(54)~~] [\(52\)](#) "Primary convention" means the political party conventions held during the
11424 year of the regular general election.
- 11425 [~~(55)~~] [\(53\)](#) "Protective counter" means a separate counter, which cannot be reset, that:
11426 (a) is built into a voting machine; and
11427 (b) records the total number of movements of the operating lever.
- 11428 [~~(56)~~] [\(54\)](#) "Provider election officer" means an election officer who enters into a
11429 contract or interlocal agreement with a contracting election officer to conduct an election for
11430 the contracting election officer's local political subdivision in accordance with Section
11431 [20A-5-400.1](#).
- 11432 [~~(57)~~] [\(55\)](#) "Provisional ballot" means a ballot voted provisionally by a person:
11433 (a) whose name is not listed on the official register at the polling place;
11434 (b) whose legal right to vote is challenged as provided in this title; or
11435 (c) whose identity was not sufficiently established by a poll worker.

11436 ~~[(58)]~~ (56) "Provisional ballot envelope" means an envelope printed in the form
11437 required by Section [20A-6-105](#) that is used to identify provisional ballots and to provide
11438 information to verify a person's legal right to vote.

11439 ~~[(59)]~~ (57) (a) "Public figure" means an individual who, due to the individual being
11440 considered for, holding, or having held a position of prominence in a public or private capacity,
11441 or due to the individual's celebrity status, has an increased risk to the individual's safety.

11442 (b) "Public figure" does not include an individual:

11443 (i) elected to public office; or

11444 (ii) appointed to fill a vacancy in an elected public office.

11445 ~~[(60)]~~ (58) "Qualify" or "qualified" means to take the oath of office and begin
11446 performing the duties of the position for which the individual was elected.

11447 ~~[(61)]~~ (59) "Receiving judge" means the poll worker that checks the voter's name in the
11448 official register at a polling location and provides the voter with a ballot.

11449 ~~[(62)]~~ (60) "Registration form" means a form by which an individual may register to
11450 vote under this title.

11451 ~~[(63)]~~ (61) "Regular ballot" means a ballot that is not a provisional ballot.

11452 ~~[(64)]~~ (62) "Regular general election" means the election held throughout the state on
11453 the first Tuesday after the first Monday in November of each even-numbered year for the
11454 purposes established in Section [20A-1-201](#).

11455 ~~[(65)]~~ (63) "Regular primary election" means the election, held on the date specified in
11456 Section [20A-1-201.5](#), to nominate candidates of political parties and candidates for nonpartisan
11457 local school board positions to advance to the regular general election.

11458 ~~[(66)]~~ (64) "Resident" means a person who resides within a specific voting precinct in
11459 Utah.

11460 ~~[(67)]~~ (65) "Return envelope" means the envelope, described in Subsection
11461 [20A-3a-202](#)(4), provided to a voter with a manual ballot:

11462 (a) into which the voter places the manual ballot after the voter has voted the manual
11463 ballot in order to preserve the secrecy of the voter's vote; and

11464 (b) that includes the voter affidavit and a place for the voter's signature.

11465 ~~[(68)]~~ (66) "Sample ballot" means a mock ballot similar in form to the official ballot
11466 printed and distributed as provided in Section [20A-5-405](#).

11467 (67) "Special district" means a local government entity under Title 17B, Limited
11468 Purpose Local Government Entities - Special Districts, and includes a special service district
11469 under Title 17D, Chapter 1, Special Service District Act.

11470 (68) "Special district officers" means those special district board members that are
11471 required by law to be elected.

11472 (69) "Special election" means an election held as authorized by Section 20A-1-203.

11473 (70) "Spoiled ballot" means each ballot that:

11474 (a) is spoiled by the voter;

11475 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

11476 (c) lacks the official endorsement.

11477 (71) "Statewide special election" means a special election called by the governor or the
11478 Legislature in which all registered voters in Utah may vote.

11479 (72) "Tabulation system" means a device or system designed for the sole purpose of
11480 tabulating votes cast by voters at an election.

11481 (73) "Ticket" means a list of:

11482 (a) political parties;

11483 (b) candidates for an office; or

11484 (c) ballot propositions.

11485 (74) "Transfer case" means the sealed box used to transport voted ballots to the
11486 counting center.

11487 (75) "Vacancy" means the absence of a person to serve in any position created by
11488 statute, whether that absence occurs because of death, disability, disqualification, resignation,
11489 or other cause.

11490 (76) "Valid voter identification" means:

11491 (a) a form of identification that bears the name and photograph of the voter which may
11492 include:

11493 (i) a currently valid Utah driver license;

11494 (ii) a currently valid identification card that is issued by:

11495 (A) the state; or

11496 (B) a branch, department, or agency of the United States;

11497 (iii) a currently valid Utah permit to carry a concealed weapon;

- 11498 (iv) a currently valid United States passport; or
- 11499 (v) a currently valid United States military identification card;
- 11500 (b) one of the following identification cards, whether or not the card includes a
- 11501 photograph of the voter:
 - 11502 (i) a valid tribal identification card;
 - 11503 (ii) a Bureau of Indian Affairs card; or
 - 11504 (iii) a tribal treaty card; or
 - 11505 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear
 - 11506 the name of the voter and provide evidence that the voter resides in the voting precinct, which
 - 11507 may include:
 - 11508 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
 - 11509 election;
 - 11510 (ii) a bank or other financial account statement, or a legible copy thereof;
 - 11511 (iii) a certified birth certificate;
 - 11512 (iv) a valid social security card;
 - 11513 (v) a check issued by the state or the federal government or a legible copy thereof;
 - 11514 (vi) a paycheck from the voter's employer, or a legible copy thereof;
 - 11515 (vii) a currently valid Utah hunting or fishing license;
 - 11516 (viii) certified naturalization documentation;
 - 11517 (ix) a currently valid license issued by an authorized agency of the United States;
 - 11518 (x) a certified copy of court records showing the voter's adoption or name change;
 - 11519 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
 - 11520 (xii) a currently valid identification card issued by:
 - 11521 (A) a local government within the state;
 - 11522 (B) an employer for an employee; or
 - 11523 (C) a college, university, technical school, or professional school located within the
 - 11524 state; or
 - 11525 (xiii) a current Utah vehicle registration.
 - 11526 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in
 - 11527 candidate by following the procedures and requirements of this title.
 - 11528 (78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:

- 11529 (a) mailing the ballot to the location designated in the mailing; or
- 11530 (b) depositing the ballot in a ballot drop box designated by the election officer.
- 11531 (79) "Voter" means an individual who:
- 11532 (a) meets the requirements for voting in an election;
- 11533 (b) meets the requirements of election registration;
- 11534 (c) is registered to vote; and
- 11535 (d) is listed in the official register book.
- 11536 (80) "Voter registration deadline" means the registration deadline provided in Section
- 11537 [20A-2-102.5](#).
- 11538 (81) "Voting area" means the area within six feet of the voting booths, voting
- 11539 machines, and ballot box.
- 11540 (82) "Voting booth" means:
- 11541 (a) the space or compartment within a polling place that is provided for the preparation
- 11542 of ballots, including the voting enclosure or curtain; or
- 11543 (b) a voting device that is free standing.
- 11544 (83) "Voting device" means any device provided by an election officer for a voter to
- 11545 vote a mechanical ballot.
- 11546 (84) "Voting precinct" means the smallest geographical voting unit, established under
- 11547 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.
- 11548 (85) "Watcher" means an individual who complies with the requirements described in
- 11549 Section [20A-3a-801](#) to become a watcher for an election.
- 11550 (86) "Write-in ballot" means a ballot containing any write-in votes.
- 11551 (87) "Write-in vote" means a vote cast for an individual, whose name is not printed on
- 11552 the ballot, in accordance with the procedures established in this title.
- 11553 Section 254. Section **20A-1-201** is amended to read:
- 11554 **20A-1-201. Date and purpose of regular general elections.**
- 11555 (1) A regular general election shall be held throughout the state on the first Tuesday
- 11556 after the first Monday in November of each even-numbered year.
- 11557 (2) At the regular general election, the voters shall:
- 11558 (a) choose persons to serve the terms established by law for the following offices:
- 11559 (i) electors of President and Vice President of the United States;

- 11560 (ii) United States Senators;
- 11561 (iii) Representatives to the United States Congress;
- 11562 (iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;
- 11563 (v) senators and representatives to the Utah Legislature;
- 11564 (vi) county officers;
- 11565 (vii) State School Board members;
- 11566 (viii) local school board members;
- 11567 (ix) except as provided in Subsection (3), [~~local~~] special district officers, as applicable;

11568 and

11569 (x) any elected judicial officers; and

11570 (b) approve or reject:

11571 (i) any proposed amendments to the Utah Constitution that have qualified for the ballot
11572 under procedures established in the Utah Code;

11573 (ii) any proposed initiatives or referenda that have qualified for the ballot under
11574 procedures established in the Utah Code; and

11575 (iii) any other ballot propositions submitted to the voters that are authorized by the
11576 Utah Code.

11577 (3) This section:

11578 (a) applies to a special service district for which the county legislative body or the
11579 municipal legislative body, as applicable, has delegated authority for the special service district
11580 to an administrative control board; and

11581 (b) does not apply to a special service district for which the county legislative body or
11582 the municipal legislative body, as applicable, has not delegated authority for the special service
11583 district to an administrative control board.

11584 Section 255. Section **20A-1-202** is amended to read:

11585 **20A-1-202. Date and purpose of municipal general election.**

11586 (1) Except as provided in Section **20A-1-206**, a municipal general election shall be
11587 held in municipalities, and [~~local~~] special districts as applicable, on the first Tuesday after the
11588 first Monday in November of each odd-numbered year.

11589 (2) At the municipal general election, the voters shall:

11590 (a) (i) choose persons to serve as municipal officers; and

- 11591 (ii) for a [~~local~~] special district that holds an election during an odd-numbered year,
11592 choose persons to serve as [~~local~~] special district officers; and
- 11593 (b) approve or reject:
- 11594 (i) any proposed initiatives or referenda that have qualified for the ballot as provided
11595 by law; and
- 11596 (ii) any other ballot propositions submitted to the voters that are authorized by the Utah
11597 Code.
- 11598 Section 256. Section **20A-1-206** is amended to read:
- 11599 **20A-1-206. Cancellation of local election -- Municipalities -- Special districts --**
11600 **Notice.**
- 11601 (1) A municipal legislative body may cancel a local election if:
- 11602 (a) (i) (A) all municipal officers are elected in an at-large election under Subsection
11603 [10-3-205.5\(1\)](#); and
- 11604 (B) the number of municipal officer candidates, including any eligible write-in
11605 candidates under Section [20A-9-601](#), for the at-large municipal offices does not exceed the
11606 number of open at-large municipal offices for which the candidates have filed; or
- 11607 (ii) (A) the municipality has adopted an ordinance under Subsection [10-3-205.5\(2\)](#);
- 11608 (B) the number of municipal officer candidates, including any eligible write-in
11609 candidates under Section [20A-9-601](#), for the at-large municipal offices, if any, does not exceed
11610 the number of open at-large municipal offices for which the candidates have filed; and
- 11611 (C) each municipal officer candidate, including any eligible write-in candidates under
11612 Section [20A-9-601](#), in each district is unopposed;
- 11613 (b) there are no other municipal ballot propositions; and
- 11614 (c) the municipal legislative body passes, no later than 20 days before the day of the
11615 scheduled election, a resolution that cancels the election and certifies that:
- 11616 (i) each municipal officer candidate is:
- 11617 (A) unopposed; or
- 11618 (B) a candidate for an at-large municipal office for which the number of candidates
11619 does not exceed the number of open at-large municipal offices; and
- 11620 (ii) a candidate described in Subsection (1)(c)(i) is considered to be elected to office.
- 11621 (2) A municipal legislative body that cancels a local election in accordance with

11622 Subsection (1) shall give notice that the election is cancelled by:
11623 (a) subject to Subsection (5), posting notice on the Statewide Electronic Voter
11624 Information Website as described in Section 20A-7-801, for 15 consecutive days before the day
11625 of the scheduled election;
11626 (b) if the municipality has a public website, posting notice on the municipality's public
11627 website for 15 days before the day of the scheduled election;
11628 (c) if the elected officials or departments of the municipality regularly publish a printed
11629 or electronic newsletter or other periodical, publishing notice in the next scheduled newsletter
11630 or other periodical published before the day of the scheduled election;
11631 (d) (i) publishing notice at least twice in a newspaper of general circulation in the
11632 municipality before the day of the scheduled election;
11633 (ii) at least 10 days before the day of the scheduled election, posting one notice, and at
11634 least one additional notice per 2,000 population within the municipality, in places within the
11635 municipality that are most likely to give notice to the voters in the municipality, subject to a
11636 maximum of 10 notices; or
11637 (iii) at least 10 days before the day of the scheduled election, mailing notice to each
11638 registered voter in the municipality; and
11639 (e) posting notice on the Utah Public Notice Website, created in Section 63A-16-601,
11640 for at least 10 days before the day of the scheduled election.
11641 (3) A [local] special district board may cancel an election as described in Section
11642 17B-1-306 if:
11643 (a) (i) (A) any [local] special district officers are elected in an at-large election; and
11644 (B) the number of [local] special district officer candidates for the at-large [local]
11645 special district offices, including any eligible write-in candidates under Section 20A-9-601,
11646 does not exceed the number of open at-large [local] special district offices for which the
11647 candidates have filed; or
11648 (ii) (A) the [local] special district has divided the [local] special district into divisions
11649 under Section 17B-1-306.5;
11650 (B) the number of [local] special district officer candidates, including any eligible
11651 write-in candidates under Section 20A-9-601, for the at-large [local] special district offices
11652 within the [local] special district, if any, does not exceed the number of open at-large [local]

11653 special district offices for which the candidates have filed; and

11654 (C) each [~~local~~] special district officer candidate, including any eligible write-in

11655 candidates under Section 20A-9-601, in each division of the [~~local~~] special district is

11656 unopposed;

11657 (b) there are no other [~~local~~] special district ballot propositions; and

11658 (c) the [~~local~~] special district governing body, no later than 20 days before the day of

11659 the scheduled election, adopts a resolution that cancels the election and certifies that:

11660 (i) each [~~local~~] special district officer candidate is:

11661 (A) unopposed; or

11662 (B) a candidate for an at-large [~~local~~] special district office for which the number of

11663 candidates does not exceed the number of open at-large [~~local~~] special district offices; and

11664 (ii) a candidate described in Subsection (3)(c)(i) is considered to be elected to office.

11665 (4) A [~~local~~] special district that cancels a local election in accordance with Subsection

11666 (3) shall provide notice that the election is cancelled:

11667 (a) subject to Subsection (5), by posting notice on the Statewide Electronic Voter

11668 Information Website as described in Section 20A-7-801, for 15 consecutive days before the day

11669 of the scheduled election;

11670 (b) if the [~~local~~] special district has a public website, by posting notice on the [~~local~~]

11671 special district's public website for 15 days before the day of the scheduled election;

11672 (c) if the [~~local~~] special district publishes a newsletter or other periodical, by

11673 publishing notice in the next scheduled newsletter or other periodical published before the day

11674 of the scheduled election;

11675 (d) (i) by publishing notice at least twice in a newspaper of general circulation in the

11676 [~~local~~] special district before the scheduled election;

11677 (ii) at least 10 days before the day of the scheduled election, by posting one notice, and

11678 at least one additional notice per 2,000 population of the [~~local~~] special district, in places

11679 within the [~~local~~] special district that are most likely to give notice to the voters in the [~~local~~]

11680 special district, subject to a maximum of 10 notices; or

11681 (iii) at least 10 days before the day of the scheduled election, by mailing notice to each

11682 registered voter in the [~~local~~] special district; and

11683 (e) by posting notice on the Utah Public Notice Website, created in Section

11684 [63A-16-601](#), for at least 10 days before the day of the scheduled election.

11685 (5) A municipal legislative body that posts a notice in accordance with Subsection
11686 (2)(a) or a ~~[local]~~ special district that posts a notice in accordance with Subsection (4)(a) is not
11687 liable for a notice that fails to post due to technical or other error by the publisher of the
11688 Statewide Electronic Voter Information Website.

11689 Section 257. Section **20A-1-512** is amended to read:

11690 **20A-1-512. Midterm vacancies on special district boards.**

11691 (1) (a) When a vacancy occurs on any ~~[local]~~ special district board for any reason, the
11692 following shall appoint a replacement to serve out the unexpired term in accordance with this
11693 section:

11694 (i) the ~~[local]~~ special district board, if the person vacating the position was elected; or

11695 (ii) the appointing authority, as that term is defined in Section [17B-1-102](#), if the

11696 appointing authority appointed the person vacating the position.

11697 (b) Except as provided in Subsection (1)(c) or (d), before acting to fill the vacancy, the
11698 ~~[local]~~ special district board or appointing authority shall:

11699 (i) give public notice of the vacancy at least two weeks before the ~~[local]~~ special
11700 district board or appointing authority meets to fill the vacancy by:

11701 (A) if there is a newspaper of general circulation, as that term is defined in Section

11702 [45-1-201](#), within the district, publishing the notice in the newspaper of general circulation;

11703 (B) posting the notice in three public places within the ~~[local]~~ special district; and

11704 (C) posting on the Utah Public Notice Website created under Section [63A-16-601](#); and

11705 (ii) identify, in the notice:

11706 (A) the date, time, and place of the meeting where the vacancy will be filled;

11707 (B) the individual to whom an individual who is interested in an appointment to fill the

11708 vacancy may submit the individual's name for consideration; and

11709 (C) any submission deadline.

11710 (c) An appointing authority is not subject to Subsection (1)(b) if:

11711 (i) the appointing authority appoints one of the appointing authority's own members;

11712 and

11713 (ii) that member meets all applicable statutory board member qualifications.

11714 (d) When a vacancy occurs on the board of a water conservancy district located in

11715 more than one county:

11716 (i) the board shall give notice of the vacancy to the county legislative bodies that
11717 nominated the vacating trustee as provided in Section 17B-2a-1005;

11718 (ii) the county legislative bodies described in Subsection (1)(d)(i) shall collectively
11719 compile a list of three nominees to fill the vacancy; and

11720 (iii) the governor shall, with the advice and consent of the Senate, appoint an
11721 individual to fill the vacancy from nominees submitted as provided in Subsection
11722 17B-2a-1005(2)(c).

11723 (2) If the [~~local~~] special district board fails to appoint an individual to complete an
11724 elected board member's term within 90 days, the legislative body of the county or municipality
11725 that created the [~~local~~] special district shall fill the vacancy in accordance with the procedure
11726 for a [~~local~~] special district described in Subsection (1)(b).

11727 Section 258. Section 20A-1-513 is amended to read:

11728 **20A-1-513. Temporary absence in elected office of a political subdivision for**
11729 **military service.**

11730 (1) As used in this section:

11731 (a) "Armed forces" means the same as that term is defined in Section 68-3-12.5, and
11732 includes:

11733 (i) the National Guard; and

11734 (ii) the national guard and armed forces reserves.

11735 (b) (i) "Elected official" is a person who holds an office of a political subdivision that
11736 is required by law to be filled by an election.

11737 (ii) "Elected official" includes a person who is appointed to fill a vacancy in an office
11738 described in Subsection (1)(b)(i).

11739 (c) (i) "Military leave" means the temporary absence from an office:

11740 (A) by an elected official called to active, full-time duty in the armed forces; and

11741 (B) for a period of time that exceeds 30 days and does not exceed 400 days.

11742 (ii) "Military leave" includes the time a person on leave, as described in Subsection
11743 (1)(c)(i), spends for:

11744 (A) out processing;

11745 (B) an administrative delay;

- 11746 (C) accrued leave; and
- 11747 (D) on rest and recuperation leave program of the armed forces.
- 11748 (d) "Political subdivision's governing body" means:
- 11749 (i) for a county, city, or town, the legislative body of the county, city, or town;
- 11750 (ii) for a ~~local~~ special district, the board of trustees of the ~~local~~ special district;
- 11751 (iii) for a local school district, the local school board;
- 11752 (iv) for a special service district:
- 11753 (A) the legislative body of the county, city, or town that established the special service
- 11754 district, if no administrative control board has been appointed under Section 17D-1-301; or
- 11755 (B) the administrative control board of the special service district, if an administrative
- 11756 control board has been appointed under Section 17D-1-301; and
- 11757 (v) for a political subdivision not listed in Subsections (1)(d)(i) through (iv), the body
- 11758 that governs the affairs of the political subdivision.
- 11759 (e) "Temporary replacement" means the person appointed by the political subdivision's
- 11760 governing body in accordance with this section to exercise the powers and duties of the office
- 11761 of the elected official who takes military leave.
- 11762 (2) An elected official creates a vacancy in the elected official's office if the elected
- 11763 official is called to active, full-time duty in the armed forces in accordance with Title 10,
- 11764 U.S.C.A. unless the elected official takes military leave as provided by this section.
- 11765 (3) (a) An elected official who is called to active, full-time duty in the armed forces in
- 11766 a status other than in accordance with Title 10, U.S.C.A. shall notify the political subdivision's
- 11767 governing body of the elected official's orders not later than five days after receipt of orders.
- 11768 (b) The elected official described in Subsection (3)(a) may:
- 11769 (i) continue to carry out the official's duties if possible while on active, full-time duty;
- 11770 or
- 11771 (ii) take military leave if the elected official submits to the political subdivision's
- 11772 governing body written notice of the intent to take military leave and the expected duration of
- 11773 the military leave.
- 11774 (4) (a) An elected official who chooses to continue to carry out the official's duties
- 11775 while on active, full-time duty shall, within 10 days after arrival at the official's place of
- 11776 deployment, confirm in writing to the political subdivision's governing body that the official

11777 has the ability to carry out the official's duties.

11778 (b) If no confirmation is received by the political subdivision within the time period
11779 described in Subsection (4)(a), the elected official shall be placed in a military leave status and
11780 a temporary replacement appointed in accordance with Subsection (6).

11781 (5) An elected official's military leave:

11782 (a) begins the later of:

11783 (i) the day after the day on which the elected official notifies the political subdivision's
11784 governing body of the intent to take military leave;

11785 (ii) day 11 after the elected official's deployment if no confirmation is received in
11786 accordance with Subsection (4)(a); or

11787 (iii) the day on which the elected official begins active, full-time duty in the armed
11788 forces; and

11789 (b) ends the sooner of:

11790 (i) the expiration of the elected official's term of office; or

11791 (ii) the day on which the elected official ends active, full-time duty in the armed forces.

11792 (6) A temporary replacement shall:

11793 (a) meet the qualifications required to hold the office; and

11794 (b) be appointed:

11795 (i) in the same manner as provided by this part for a midterm vacancy if a registered
11796 political party nominated the elected official who takes military leave as a candidate for the
11797 office; or

11798 (ii) by the political subdivision's governing body after submitting an application in
11799 accordance with Subsection (8)(b) if a registered political party did not nominate the elected
11800 official who takes military leave as a candidate for office.

11801 (7) (a) A temporary replacement shall exercise the powers and duties of the office for
11802 which the temporary replacement is appointed for the duration of the elected official's military
11803 leave.

11804 (b) An elected official may not exercise the powers or duties of the office while on
11805 military leave.

11806 (c) If a temporary replacement is not appointed as required by Subsection (6)(b), no
11807 person may exercise the powers and duties of the elected official's office during the elected

11808 official's military leave.

11809 (8) The political subdivision's governing body shall establish:

11810 (a) the distribution of the emoluments of the office between the elected official and the
11811 temporary replacement; and

11812 (b) an application form and the date and time before which a person shall submit the
11813 application to be considered by the political subdivision's governing body for appointment as a
11814 temporary replacement.

11815 Section 259. Section **20A-17-103** is amended to read:

11816 **20A-17-103. Posting political signs on public property.**

11817 (1) As used in this section:

11818 (a) "Local government entity" means:

11819 (i) a county, municipality, or other political subdivision;

11820 (ii) a ~~local~~ special district, as defined in Section [17B-1-102](#);

11821 (iii) a special service district, as defined in Section [17D-1-102](#);

11822 (iv) a local building authority, as defined in Section [17D-2-102](#);

11823 (v) a conservation district, as defined in Section [17D-3-102](#);

11824 (vi) an independent entity, as defined in Section [63E-1-102](#);

11825 (vii) a public corporation, as defined in Section [63E-1-102](#);

11826 (viii) a public transit district, organized under Title 17B, Chapter 2a, Part 8, Public
11827 Transit District Act;

11828 (ix) a school district;

11829 (x) a public school, including a charter school or other publicly funded school;

11830 (xi) a state institution of higher education;

11831 (xii) an entity that expends public funds; and

11832 (xiii) each office, agency, or other division of an entity described in Subsections
11833 (1)(a)(i) through (xii).

11834 (b) "Political sign" means any sign or document that advocates:

11835 (i) the election or defeat of a candidate for public office; or

11836 (ii) the approval or defeat of a ballot proposition.

11837 (c) (i) "Public property" means any real property, building, or structure owned or leased
11838 by a local government entity.

11839 (ii) "Public property" does not include any real property, building, or structure during a
11840 period of time that the real property, building, or structure is rented out by a government entity
11841 to a private party for a meeting, convention, or similar event.

11842 (2) A local government entity, a local government officer, a local government
11843 employee, or another person with authority or control over public property that posts or permits
11844 a person to post a political sign on public property:

11845 (a) shall permit any other person to post a political sign on the public property, subject
11846 to the same requirements and restrictions imposed on all other political signs permitted to be
11847 posted on the public property; and

11848 (b) may not impose a requirement or restriction on the posting of a political sign if the
11849 requirement or restriction is not politically neutral and content neutral.

11850 Section 260. Section **45-1-101** is amended to read:

11851 **45-1-101. Legal notice publication requirements.**

11852 (1) As used in this section:

11853 (a) "Average advertisement rate" means:

11854 (i) in determining a rate for publication on the public legal notice website or in a
11855 newspaper that primarily distributes publications in a county of the third, fourth, fifth, or sixth
11856 class, a newspaper's gross advertising revenue for the preceding calendar quarter divided by the
11857 gross column-inch space used in the newspaper for advertising for the previous calendar
11858 quarter; or

11859 (ii) in determining a rate for publication in a newspaper that primarily distributes
11860 publications in a county of the first or second class, a newspaper's average rate for all
11861 qualifying advertising segments for the preceding calendar quarter for an advertisement:

11862 (A) published in the same section of the newspaper as the legal notice; and

11863 (B) of the same column-inch space as the legal notice.

11864 (b) "Column-inch space" means a unit of space that is one standard column wide by
11865 one inch high.

11866 (c) "Gross advertising revenue" means the total revenue obtained by a newspaper from
11867 all of its qualifying advertising segments.

11868 (d) (i) "Legal notice" means:

11869 (A) a communication required to be made public by a state statute or state agency rule;

11870 or

11871 (B) a notice required for judicial proceedings or by judicial decision.

11872 (ii) "Legal notice" does not include:

11873 (A) a public notice published by a public body in accordance with the provisions of

11874 Sections [52-4-202](#) and [63A-16-601](#); or

11875 (B) a notice of delinquency in the payment of property taxes described in Section

11876 [59-2-1332.5](#).

11877 [~~(e)~~ "Local district" is as defined in Section [17B-1-102](#).]

11878 [(f)] (e) "Public legal notice website" means the website described in Subsection (2)(b)

11879 for the purpose of publishing a legal notice online.

11880 [(g)] (f) (i) "Qualifying advertising segment" means, except as provided in Subsection

11881 (1)[(g)](f)(ii), a category of print advertising sold by a newspaper, including classified

11882 advertising, line advertising, and display advertising.

11883 (ii) "Qualifying advertising segment" does not include legal notice advertising.

11884 (g) "Special district" means the same as that term is defined in Section [17B-1-102](#).

11885 (h) "Special service district" [~~is as~~] means the same as that term is defined in Section

11886 [17D-1-102](#).

11887 (2) Except as provided in Subsections (8) and (9), notwithstanding any other legal

11888 notice provision established by law, a person required by law to publish legal notice shall

11889 publish the notice:

11890 (a) (i) as required by the statute establishing the legal notice requirement; or

11891 (ii) by serving legal notice, by certified mail or in person, directly on all parties for

11892 whom the statute establishing the legal notice requirement requires legal notice, if:

11893 (A) the direct service of legal notice does not replace publication in a newspaper that

11894 primarily distributes publications in a county of the third, fourth, fifth, or sixth class;

11895 (B) the statute clearly identifies the parties;

11896 (C) the person can prove that the person has identified all parties for whom notice is

11897 required; and

11898 (D) the person keeps a record of the service for at least two years; and

11899 (b) on a public legal notice website established by the combined efforts of Utah's

11900 newspapers that collectively distribute newspapers to the majority of newspaper subscribers in

11901 the state.

11902 (3) The public legal notice website shall:

11903 (a) be available for viewing and searching by the general public, free of charge; and

11904 (b) accept legal notice posting from any newspaper in the state.

11905 (4) A person that publishes legal notice as required under Subsection (2) is not relieved
11906 from complying with an otherwise applicable requirement under Title 52, Chapter 4, Open and
11907 Public Meetings Act.

11908 (5) If legal notice is required by law and one option for complying with the
11909 requirement is publication in a newspaper, or if a [~~local~~] special district or a special service
11910 district publishes legal notice in a newspaper, the newspaper:

11911 (a) may not charge more for publication than the newspaper's average advertisement
11912 rate; and

11913 (b) shall publish the legal notice on the public legal notice website at no additional
11914 cost.

11915 (6) If legal notice is not required by law, if legal notice is required by law and the
11916 person providing legal notice, in accordance with the requirements of law, chooses not to
11917 publish the legal notice in a newspaper, or if a [~~local~~] special district or a special service district
11918 with an annual operating budget of less than \$250,000 chooses to publish a legal notice on the
11919 public notice website without publishing the complete notice in the newspaper, a newspaper:

11920 (a) may not charge more than an amount equal to 15% of the newspaper's average
11921 advertisement rate for publishing five column lines in the newspaper to publish legal notice on
11922 the public legal notice website;

11923 (b) may not require that the legal notice be published in the newspaper; and

11924 (c) at the request of the person publishing on the legal notice website, shall publish in
11925 the newspaper up to five column lines, at no additional charge, that briefly describe the legal
11926 notice and provide the web address where the full public legal notice can be found.

11927 (7) If a newspaper offers to publish the type of legal notice described in Subsection (5),
11928 it may not refuse to publish the type of legal notice described in Subsection (6).

11929 (8) Notwithstanding the requirements of a statute that requires the publication of legal
11930 notice, if legal notice is required by law to be published by a [~~local~~] special district or a special
11931 service district with an annual operating budget of \$250,000 or more, the [~~local~~] special district

11932 or special service district shall satisfy its legal notice publishing requirements by:

11933 (a) mailing a written notice, postage prepaid:

11934 (i) to each voter in the [~~local~~] special district or special service district; and

11935 (ii) that contains the information required by the statute that requires the publication of
11936 legal notice; or

11937 (b) publishing the legal notice in a newspaper and on the legal public notice website as
11938 described in Subsection (5).

11939 (9) Notwithstanding the requirements of a statute that requires the publication of legal
11940 notice, if legal notice is required by law to be published by a [~~local~~] special district or a special
11941 service district with an annual operating budget of less than \$250,000, the [~~local~~] special
11942 district or special service district shall satisfy its legal notice publishing requirements by:

11943 (a) mailing a written notice, postage prepaid:

11944 (i) to each voter in the [~~local~~] special district or special service district; and

11945 (ii) that contains the information required by the statute that requires the publication of
11946 legal notice; or

11947 (b) publishing the legal notice in a newspaper and on the public legal notice website as
11948 described in Subsection (5); or

11949 (c) publishing the legal notice on the public legal notice website as described in
11950 Subsection (6).

11951 Section 261. Section **53-2a-602** is amended to read:

11952 **53-2a-602. Definitions.**

11953 (1) Unless otherwise defined in this section, the terms that are used in this part mean
11954 the same as those terms are defined in Part 1, Emergency Management Act.

11955 (2) As used in this part:

11956 (a) "Agent of the state" means any representative of a state agency, local agency, or
11957 non-profit entity that agrees to provide support to a requesting intrastate or interstate
11958 government entity that has declared an emergency or disaster and has requested assistance
11959 through the division.

11960 (b) "Declared disaster" means one or more events:

11961 (i) within the state;

11962 (ii) that occur within a limited period of time;

- 11963 (iii) that involve:
- 11964 (A) a significant number of persons being at risk of bodily harm, sickness, or death; or
- 11965 (B) a significant portion of real property at risk of loss;
- 11966 (iv) that are sudden in nature and generally occur less frequently than every three years;
- 11967 and
- 11968 (v) that results in:
- 11969 (A) the president of the United States declaring an emergency or major disaster in the
- 11970 state;
- 11971 (B) the governor declaring a state of emergency under [~~Title 53, Chapter 2a,~~] Part 2,
- 11972 Disaster Response and Recovery Act; or
- 11973 (C) the chief executive officer of a local government declaring a local emergency under
- 11974 Part 2, Disaster Response and Recovery Act.
- 11975 (c) "Disaster recovery account" means the State Disaster Recovery Restricted Account
- 11976 created in Section [53-2a-603](#).
- 11977 (d) (i) "Emergency disaster services" means:
- 11978 (A) evacuation;
- 11979 (B) shelter;
- 11980 (C) medical triage;
- 11981 (D) emergency transportation;
- 11982 (E) repair of infrastructure;
- 11983 (F) safety services, including fencing or roadblocks;
- 11984 (G) sandbagging;
- 11985 (H) debris removal;
- 11986 (I) temporary bridges;
- 11987 (J) procurement and distribution of food, water, or ice;
- 11988 (K) procurement and deployment of generators;
- 11989 (L) rescue or recovery;
- 11990 (M) emergency protective measures; or
- 11991 (N) services similar to those described in Subsections (2)(d)(i)(A) through (M), as
- 11992 defined by the division by rule, that are generally required in response to a declared disaster.
- 11993 (ii) "Emergency disaster services" does not include:

11994 (A) emergency preparedness; or
 11995 (B) notwithstanding whether or not a county participates in the Wildland Fire
 11996 Suppression Fund created in Section 65A-8-204, any fire suppression or presuppression costs
 11997 that may be paid for from the Wildland Fire Suppression Fund if the county participates in the
 11998 Wildland Fire Suppression Fund.

11999 (e) "Emergency preparedness" means the following done for the purpose of being
 12000 prepared for an emergency as defined by the division by rule made in accordance with Title
 12001 63G, Chapter 3, Utah Administrative Rulemaking Act:

- 12002 (i) the purchase of equipment;
- 12003 (ii) the training of personnel; or
- 12004 (iii) the obtaining of a certification.

12005 (f) "Governing body" means:

- 12006 (i) for a county, city, or town, the legislative body of the county, city, or town;
- 12007 (ii) for a ~~[local]~~ special district, the board of trustees of the ~~[local]~~ special district; and
- 12008 (iii) for a special service district:

12009 (A) the legislative body of the county, city, or town that established the special service
 12010 district, if no administrative control board has been appointed under Section 17D-1-301; or

12011 (B) the administrative control board of the special service district, if an administrative
 12012 control board has been appointed under Section 17D-1-301.

12013 ~~[(g) "Local district" means the same as that term is defined in Section 17B-1-102.]~~

12014 ~~[(h)]~~ (g) "Local fund" means a local government disaster fund created in accordance
 12015 with Section 53-2a-605.

12016 ~~[(i)]~~ (h) "Local government" means:

- 12017 (i) a county;
- 12018 (ii) a city or town; or
- 12019 (iii) a ~~[local]~~ special district or special service district that:

12020 (A) operates a water system;

12021 (B) provides transportation service;

12022 (C) provides, operates, and maintains correctional and rehabilitative facilities and
 12023 programs for municipal, state, and other detainees and prisoners;

12024 (D) provides consolidated 911 and emergency dispatch service;

- 12025 (E) operates an airport; or
- 12026 (F) operates a sewage system.
- 12027 (i) "Special district" means the same as that term is defined in Section [17B-1-102](#).
- 12028 (j) "Special fund" means a fund other than a general fund of a local government that is
- 12029 created for a special purpose established under the uniform system of budgeting, accounting,
- 12030 and reporting.
- 12031 (k) "Special service district" means the same as that term is defined in Section
- 12032 [17D-1-102](#).
- 12033 (l) "State's prime interest rate" means the average interest rate paid by the state on
- 12034 general obligation bonds issued during the most recent fiscal year in which bonds were sold.
- 12035 Section 262. Section **53-2a-605** is amended to read:
- 12036 **53-2a-605. Local government disaster funds.**
- 12037 (1) (a) Subject to this section and notwithstanding anything to the contrary contained in
- 12038 Title 10, Utah Municipal Code, or Title 17, Counties, Title 17B, Limited Purpose Local
- 12039 Government Entities - [~~Local~~] Special Districts, or Title 17D, Chapter 1, Special Service
- 12040 District Act, the governing body of a local government may create and maintain by ordinance a
- 12041 special fund known as a local government disaster fund.
- 12042 (b) The local fund shall consist of:
- 12043 (i) subject to the limitations of this section, money transferred to it in accordance with
- 12044 Subsection (2);
- 12045 (ii) any other public or private money received by the local government that is:
- 12046 (A) given to the local government for purposes consistent with this section; and
- 12047 (B) deposited into the local fund at the request of:
- 12048 (I) the governing body of the local government; or
- 12049 (II) the person giving the money; and
- 12050 (iii) interest or income realized from the local fund.
- 12051 (c) Interest or income realized from the local fund shall be deposited into the local
- 12052 fund.
- 12053 (d) Money in a local fund may be:
- 12054 (i) deposited or invested as provided in Section [51-7-11](#); or
- 12055 (ii) transferred by the local government treasurer to the state treasurer under Section

12056 51-7-5 for the state treasurer's management and control under Title 51, Chapter 7, State Money
12057 Management Act.

12058 (e) (i) The money in a local fund may accumulate from year to year until the local
12059 government governing body determines to spend any money in the local fund for one or more
12060 of the purposes specified in Subsection (3).

12061 (ii) Money in a local fund at the end of a fiscal year:

12062 (A) shall remain in the local fund for future use; and

12063 (B) may not be transferred to any other fund or used for any other purpose.

12064 (2) The amounts transferred to a local fund may not exceed 10% of the total estimated
12065 revenues of the local government for the current fiscal period that are not restricted or
12066 otherwise obligated.

12067 (3) Money in the fund may only be used to fund the services and activities of the local
12068 government creating the local fund in response to:

12069 (a) a declared disaster within the boundaries of the local government;

12070 (b) the aftermath of the disaster that gave rise to a declared disaster within the
12071 boundaries of the local government; and

12072 (c) subject to Subsection (5), emergency preparedness.

12073 (4) (a) A local fund is subject to this part and:

12074 (i) in the case of a town, Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah
12075 Towns, except that:

12076 (A) in addition to the funds listed in Section 10-5-106, the mayor shall prepare a
12077 budget for the local fund;

12078 (B) Section 10-5-119 addressing termination of special funds does not apply to a local
12079 fund; and

12080 (C) the council of the town may not authorize an interfund loan under Section
12081 10-5-120 from the local fund;

12082 (ii) in the case of a city, Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah
12083 Cities, except that:

12084 (A) in addition to the funds listed in Section 10-6-109, the mayor shall prepare a
12085 budget for the local fund;

12086 (B) Section 10-6-131 addressing termination of special funds does not apply to a local

12087 fund; and

12088 (C) the governing body of the city may not authorize an interfund loan under Section

12089 10-6-132 from the local fund; and

12090 (iii) in the case of a county, Title 17, Chapter 36, Uniform Fiscal Procedures Act for

12091 Counties, except that:

12092 (A) Section 17-36-29 addressing termination of special funds does not apply to a local

12093 fund; and

12094 (B) the governing body of the county may not authorize an interfund loan under

12095 Section 17-36-30 from the local fund;

12096 (iv) in the case of a ~~local~~ special district or special service district, Title 17B, Chapter

12097 1, Part 6, Fiscal Procedures for ~~Local~~ Special Districts, except that:

12098 (A) Section 17B-1-625, addressing termination of a special fund, does not apply to a

12099 local fund; and

12100 (B) the governing body of the ~~local~~ special district or special service district may not

12101 authorize an interfund loan under Section 17B-1-626 from the local fund; and

12102 (v) in the case of an interlocal entity, Title 11, Chapter 13, Part 5, Fiscal Procedures for

12103 Interlocal Entities, except for the following provisions:

12104 (A) Section 11-13-522 addressing termination of a special fund does not apply to a

12105 local fund; and

12106 (B) the governing board of the interlocal entity may not authorize an interfund loan

12107 under Section 11-13-523 from the local fund.

12108 (b) Notwithstanding Subsection (4)(a), transfers of money to a local fund or the

12109 accumulation of money in a local fund do not affect any limits on fund balances, net assets, or

12110 the accumulation of retained earnings in any of the following of a local government:

12111 (i) a general fund;

12112 (ii) an enterprise fund;

12113 (iii) an internal service fund; or

12114 (iv) any other fund.

12115 (5) (a) A local government may not expend during a fiscal year more than 10% of the

12116 money budgeted to be deposited into a local fund during that fiscal year for emergency

12117 preparedness.

12118 (b) The amount described in Subsection (5)(a) shall be determined before the adoption
12119 of the tentative budget.

12120 Section 263. Section **53B-28-402** is amended to read:

12121 **53B-28-402. Campus safety study -- Report to Legislature.**

12122 (1) As used in this section:

12123 (a) "Campus law enforcement" means a unit of an institution that provides public
12124 safety services.

12125 (b) (i) "Institution" means an institution of higher education described in Section
12126 [53B-2-101](#).

12127 (ii) "Institution" includes an institution's campus law enforcement.

12128 [~~(c)~~] "~~Local district~~" means the same as that term is defined in Section [17B-1-102](#).]

12129 [~~(d)~~] (c) "Local law enforcement" means a state or local law enforcement agency other
12130 than campus law enforcement.

12131 [~~(e)~~] (d) "Public safety services" means police services, security services, dispatch
12132 services, emergency services, or other similar services.

12133 [~~(f)~~] (e) "Sexual violence" means the same as that term is defined in Section
12134 [53B-28-301](#).

12135 (f) "Special district" means the same as that term is defined in Section [17B-1-102](#).

12136 (g) "Special service district" means the same as that term is defined in Section
12137 [17D-1-102](#).

12138 (h) "Student" means the same as that term is defined in Section [53B-28-301](#).

12139 (i) "Student organization" means the same as that term is defined in Section
12140 [53B-28-401](#).

12141 (2) The board shall:

12142 (a) study issues related to providing public safety services on institution campuses,
12143 including:

12144 (i) policies and practices for hiring, supervision, and firing of campus law enforcement
12145 officers;

12146 (ii) training of campus law enforcement in responding to incidents of sexual violence
12147 or other crimes reported by or involving a student, including training related to lethality or
12148 similar assessments;

- 12149 (iii) how campus law enforcement and local law enforcement respond to reports of
12150 incidents of sexual violence or other crimes reported by or involving a student, including
12151 supportive measures for victims and disciplinary actions for perpetrators;
- 12152 (iv) training provided to faculty, staff, students, and student organizations on campus
12153 safety and prevention of sexual violence;
- 12154 (v) roles, responsibilities, jurisdiction, and authority of local law enforcement and
12155 campus law enforcement, including authority based on:
- 12156 (A) the type of public safety services provided; or
12157 (B) geographic boundaries;
- 12158 (vi) how an institution and local law enforcement coordinate to respond to on-campus
12159 and off-campus incidents requiring public safety services, including:
- 12160 (A) legal requirements or restrictions affecting coordination;
12161 (B) agreements, practices, or procedures governing coordination between an institution
12162 and local law enforcement, including mutual support, sharing information, or dispatch
12163 management; and
- 12164 (C) any issues that may affect the timeliness of a response to an on-campus or
12165 off-campus incident reported by or involving a student;
- 12166 (vii) infrastructure, staffing, and equipment considerations that impact the effectiveness
12167 of campus law enforcement or local law enforcement responses to an on-campus or off-campus
12168 incident reported by or involving a student;
- 12169 (viii) the benefits and disadvantages of an institution employing campus law
12170 enforcement compared to local law enforcement providing public safety services on an
12171 institution campus;
- 12172 (ix) an institution's compliance with federal and state crime statistic reporting
12173 requirements;
- 12174 (x) how an institution informs faculty, staff, and students about a crime or emergency
12175 on campus;
- 12176 (xi) national best practices for providing public safety services on institution campuses,
12177 including differences in best practices based on the size, infrastructure, location, and other
12178 relevant characteristics of a college or university; and
- 12179 (xii) any other issue the board determines is relevant to the study;

12180 (b) make recommendations for providing public safety services on institution campuses
12181 statewide;

12182 (c) produce a final report of the study described in this section, including the
12183 recommendations described in Subsection (2)(b); and

12184 (d) in accordance with Section 68-3-14, present the final report described in Subsection
12185 (2)(c) to the Education Interim Committee and the Law Enforcement and Criminal Justice
12186 Interim Committee at or before the committees' November 2021 meetings.

12187 (3) In carrying out the board's duties under this section, the board may coordinate with
12188 individuals and organizations with knowledge, expertise, or experience related to the board's
12189 duties under this section, including:

12190 (a) the [Utah] Department of Health;

12191 (b) the Utah Office for Victims of Crime;

12192 (c) the Utah Council on Victims of Crime;

12193 (d) institutions;

12194 (e) local law enforcement;

12195 (f) [local] special districts or special service districts that provide 911 and emergency
12196 dispatch service; and

12197 (g) community and other non-governmental organizations.

12198 Section 264. Section 59-2-919 is amended to read:

12199 **59-2-919. Notice and public hearing requirements for certain tax increases --**

12200 **Exceptions.**

12201 (1) As used in this section:

12202 (a) "Additional ad valorem tax revenue" means ad valorem property tax revenue
12203 generated by the portion of the tax rate that exceeds the taxing entity's certified tax rate.

12204 (b) "Ad valorem tax revenue" means ad valorem property tax revenue not including
12205 revenue from:

12206 (i) eligible new growth as defined in Section 59-2-924; or

12207 (ii) personal property that is:

12208 (A) assessed by a county assessor in accordance with Part 3, County Assessment; and

12209 (B) semiconductor manufacturing equipment.

12210 (c) "Calendar year taxing entity" means a taxing entity that operates under a fiscal year

12211 that begins on January 1 and ends on December 31.

12212 (d) "County executive calendar year taxing entity" means a calendar year taxing entity
12213 that operates under the county executive-council form of government described in Section
12214 17-52a-203.

12215 (e) "Current calendar year" means the calendar year immediately preceding the
12216 calendar year for which a calendar year taxing entity seeks to levy a tax rate that exceeds the
12217 calendar year taxing entity's certified tax rate.

12218 (f) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year that
12219 begins on July 1 and ends on June 30.

12220 (g) "Last year's property tax budgeted revenue" does not include revenue received by a
12221 taxing entity from a debt service levy voted on by the public.

12222 (2) A taxing entity may not levy a tax rate that exceeds the taxing entity's certified tax
12223 rate unless the taxing entity meets:

12224 (a) the requirements of this section that apply to the taxing entity; and

12225 (b) all other requirements as may be required by law.

12226 (3) (a) Subject to Subsection (3)(b) and except as provided in Subsection (5), a calendar
12227 year taxing entity may levy a tax rate that exceeds the calendar year taxing entity's certified tax
12228 rate if the calendar year taxing entity:

12229 (i) 14 or more days before the date of the regular general election or municipal general
12230 election held in the current calendar year, states at a public meeting:

12231 (A) that the calendar year taxing entity intends to levy a tax rate that exceeds the
12232 calendar year taxing entity's certified tax rate;

12233 (B) the dollar amount of and purpose for additional ad valorem tax revenue that would
12234 be generated by the proposed increase in the certified tax rate; and

12235 (C) the approximate percentage increase in ad valorem tax revenue for the taxing entity
12236 based on the proposed increase described in Subsection (3)(a)(i)(B);

12237 (ii) provides notice for the public meeting described in Subsection (3)(a)(i) in
12238 accordance with Title 52, Chapter 4, Open and Public Meetings Act, including providing a
12239 separate item on the meeting agenda that notifies the public that the calendar year taxing entity
12240 intends to make the statement described in Subsection (3)(a)(i);

12241 (iii) meets the advertisement requirements of Subsections (6) and (7) before the

12242 calendar year taxing entity conducts the public hearing required by Subsection (3)(a)(v);
12243 (iv) provides notice by mail:
12244 (A) seven or more days before the regular general election or municipal general
12245 election held in the current calendar year; and
12246 (B) as provided in Subsection (3)(c); and
12247 (v) conducts a public hearing that is held:
12248 (A) in accordance with Subsections (8) and (9); and
12249 (B) in conjunction with the public hearing required by Section [17-36-13](#) or [17B-1-610](#).
12250 (b) (i) For a county executive calendar year taxing entity, the statement described in
12251 Subsection (3)(a)(i) shall be made by the:
12252 (A) county council;
12253 (B) county executive; or
12254 (C) both the county council and county executive.
12255 (ii) If the county council makes the statement described in Subsection (3)(a)(i) or the
12256 county council states a dollar amount of additional ad valorem tax revenue that is greater than
12257 the amount of additional ad valorem tax revenue previously stated by the county executive in
12258 accordance with Subsection (3)(a)(i), the county executive calendar year taxing entity shall:
12259 (A) make the statement described in Subsection (3)(a)(i) 14 or more days before the
12260 county executive calendar year taxing entity conducts the public hearing under Subsection
12261 (3)(a)(v); and
12262 (B) provide the notice required by Subsection (3)(a)(iv) 14 or more days before the
12263 county executive calendar year taxing entity conducts the public hearing required by
12264 Subsection (3)(a)(v).
12265 (c) The notice described in Subsection (3)(a)(iv):
12266 (i) shall be mailed to each owner of property:
12267 (A) within the calendar year taxing entity; and
12268 (B) listed on the assessment roll;
12269 (ii) shall be printed on a separate form that:
12270 (A) is developed by the commission;
12271 (B) states at the top of the form, in bold upper-case type no smaller than 18 point
12272 "NOTICE OF PROPOSED TAX INCREASE"; and

12273 (C) may be mailed with the notice required by Section 59-2-1317;
12274 (iii) shall contain for each property described in Subsection (3)(c)(i):
12275 (A) the value of the property for the current calendar year;
12276 (B) the tax on the property for the current calendar year; and
12277 (C) subject to Subsection (3)(d), for the calendar year for which the calendar year
12278 taxing entity seeks to levy a tax rate that exceeds the calendar year taxing entity's certified tax
12279 rate, the estimated tax on the property;
12280 (iv) shall contain the following statement:
12281 "[Insert name of taxing entity] is proposing a tax increase for [insert applicable calendar
12282 year]. This notice contains estimates of the tax on your property and the proposed tax increase
12283 on your property as a result of this tax increase. These estimates are calculated on the basis of
12284 [insert previous applicable calendar year] data. The actual tax on your property and proposed
12285 tax increase on your property may vary from this estimate.";
12286 (v) shall state the date, time, and place of the public hearing described in Subsection
12287 (3)(a)(v); and
12288 (vi) may contain other property tax information approved by the commission.
12289 (d) For purposes of Subsection (3)(c)(iii)(C), a calendar year taxing entity shall
12290 calculate the estimated tax on property on the basis of:
12291 (i) data for the current calendar year; and
12292 (ii) the amount of additional ad valorem tax revenue stated in accordance with this
12293 section.
12294 (4) Except as provided in Subsection (5), a fiscal year taxing entity may levy a tax rate
12295 that exceeds the fiscal year taxing entity's certified tax rate if the fiscal year taxing entity:
12296 (a) provides notice by meeting the advertisement requirements of Subsections (6) and
12297 (7) before the fiscal year taxing entity conducts the public meeting at which the fiscal year
12298 taxing entity's annual budget is adopted; and
12299 (b) conducts a public hearing in accordance with Subsections (8) and (9) before the
12300 fiscal year taxing entity's annual budget is adopted.
12301 (5) (a) A taxing entity is not required to meet the notice or public hearing requirements
12302 of Subsection (3) or (4) if the taxing entity is expressly exempted by law from complying with
12303 the requirements of this section.

12304 (b) A taxing entity is not required to meet the notice requirements of Subsection (3) or
12305 (4) if:

12306 (i) Section 53F-8-301 allows the taxing entity to levy a tax rate that exceeds that
12307 certified tax rate without having to comply with the notice provisions of this section; or

12308 (ii) the taxing entity:

12309 (A) budgeted less than \$20,000 in ad valorem tax revenue for the previous fiscal year;

12310 and

12311 (B) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax
12312 revenue.

12313 (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this
12314 section shall be published:

12315 (i) subject to Section 45-1-101, in a newspaper or combination of newspapers of
12316 general circulation in the taxing entity;

12317 (ii) electronically in accordance with Section 45-1-101; and

12318 (iii) on the Utah Public Notice Website created in Section 63A-16-601.

12319 (b) The advertisement described in Subsection (6)(a)(i) shall:

12320 (i) be no less than 1/4 page in size;

12321 (ii) use type no smaller than 18 point; and

12322 (iii) be surrounded by a 1/4-inch border.

12323 (c) The advertisement described in Subsection (6)(a)(i) may not be placed in that
12324 portion of the newspaper where legal notices and classified advertisements appear.

12325 (d) It is the intent of the Legislature that:

12326 (i) whenever possible, the advertisement described in Subsection (6)(a)(i) appear in a
12327 newspaper that is published at least one day per week; and

12328 (ii) the newspaper or combination of newspapers selected:

12329 (A) be of general interest and readership in the taxing entity; and

12330 (B) not be of limited subject matter.

12331 (e) (i) The advertisement described in Subsection (6)(a)(i) shall:

12332 (A) except as provided in Subsection (6)(f), be run once each week for the two weeks
12333 before a taxing entity conducts a public hearing described under Subsection (3)(a)(v) or (4)(b);

12334 and

12335 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the
12336 advertisement, which shall be seven or more days after the day the first advertisement is
12337 published, for the purpose of hearing comments regarding any proposed increase and to explain
12338 the reasons for the proposed increase.

12339 (ii) The advertisement described in Subsection (6)(a)(ii) shall:

12340 (A) be published two weeks before a taxing entity conducts a public hearing described
12341 in Subsection (3)(a)(v) or (4)(b); and

12342 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the
12343 advertisement, which shall be seven or more days after the day the first advertisement is
12344 published, for the purpose of hearing comments regarding any proposed increase and to explain
12345 the reasons for the proposed increase.

12346 (f) If a fiscal year taxing entity's public hearing information is published by the county
12347 auditor in accordance with Section 59-2-919.2, the fiscal year taxing entity is not subject to the
12348 requirement to run the advertisement twice, as required by Subsection (6)(e)(i), but shall run
12349 the advertisement once during the week before the fiscal year taxing entity conducts a public
12350 hearing at which the taxing entity's annual budget is discussed.

12351 (g) For purposes of Subsection (3)(a)(iii) or (4)(a), the form and content of an
12352 advertisement shall be substantially as follows:

12353 "NOTICE OF PROPOSED TAX INCREASE
12354 (NAME OF TAXING ENTITY)

12355 The (name of the taxing entity) is proposing to increase its property tax revenue.

12356 ● The (name of the taxing entity) tax on a (insert the average value of a residence
12357 in the taxing entity rounded to the nearest thousand dollars) residence would
12358 increase from \$_____ to \$_____, which is \$_____ per year.

12359 ● The (name of the taxing entity) tax on a (insert the value of a business having
12360 the same value as the average value of a residence in the taxing entity) business
12361 would increase from \$_____ to \$_____, which is \$_____ per year.

12362 ● If the proposed budget is approved, (name of the taxing entity) would increase
12363 its property tax budgeted revenue by ___% above last year's property tax
12364 budgeted revenue excluding eligible new growth.

12365 All concerned citizens are invited to a public hearing on the tax increase.

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PUBLIC HEARING

Date/Time: (date) (time)

Location: (name of meeting place and address of meeting place)

To obtain more information regarding the tax increase, citizens may contact the (name of the taxing entity) at (phone number of taxing entity)."

(7) The commission:

(a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, governing the joint use of one advertisement described in Subsection (6) by two or more taxing entities; and

(b) subject to Section 45-1-101, may authorize:

(i) the use of a weekly newspaper:

(A) in a county having both daily and weekly newspapers if the weekly newspaper would provide equal or greater notice to the taxpayer; and

(B) if the county petitions the commission for the use of the weekly newspaper; or

(ii) the use by a taxing entity of a commission approved direct notice to each taxpayer

if:

(A) the cost of the advertisement would cause undue hardship;

(B) the direct notice is different and separate from that provided for in Section

59-2-919.1; and

(C) the taxing entity petitions the commission for the use of a commission approved direct notice.

(8) (a) (i) (A) A fiscal year taxing entity shall, on or before March 1, notify the county legislative body in which the fiscal year taxing entity is located of the date, time, and place of the first public hearing at which the fiscal year taxing entity's annual budget will be discussed.

(B) A county that receives notice from a fiscal year taxing entity under Subsection (8)(a)(i)(A) shall include on the notice required by Section 59-2-919.1 the date, time, and place of the public hearing described in Subsection (8)(a)(i)(A).

(ii) A calendar year taxing entity shall, on or before October 1 of the current calendar year, notify the county legislative body in which the calendar year taxing entity is located of the date, time, and place of the first public hearing at which the calendar year taxing entity's annual budget will be discussed.

- 12397 (b) (i) A public hearing described in Subsection (3)(a)(v) or (4)(b) shall be:
- 12398 (A) open to the public; and
- 12399 (B) held at a meeting of the taxing entity with no items on the agenda other than
- 12400 discussion and action on the taxing entity's intent to levy a tax rate that exceeds the taxing
- 12401 entity's certified tax rate, the taxing entity's budget, a ~~local~~ special district's or special service
- 12402 district's fee implementation or increase, or a combination of these items.
- 12403 (ii) The governing body of a taxing entity conducting a public hearing described in
- 12404 Subsection (3)(a)(v) or (4)(b) shall provide an interested party desiring to be heard an
- 12405 opportunity to present oral testimony:
- 12406 (A) within reasonable time limits; and
- 12407 (B) without unreasonable restriction on the number of individuals allowed to make
- 12408 public comment.
- 12409 (c) (i) Except as provided in Subsection (8)(c)(ii), a taxing entity may not schedule a
- 12410 public hearing described in Subsection (3)(a)(v) or (4)(b) at the same time as the public hearing
- 12411 of another overlapping taxing entity in the same county.
- 12412 (ii) The taxing entities in which the power to set tax levies is vested in the same
- 12413 governing board or authority may consolidate the public hearings described in Subsection
- 12414 (3)(a)(v) or (4)(b) into one public hearing.
- 12415 (d) A county legislative body shall resolve any conflict in public hearing dates and
- 12416 times after consultation with each affected taxing entity.
- 12417 (e) (i) A taxing entity shall hold a public hearing described in Subsection (3)(a)(v) or
- 12418 (4)(b) beginning at or after 6 p.m.
- 12419 (ii) If a taxing entity holds a public meeting for the purpose of addressing general
- 12420 business of the taxing entity on the same date as a public hearing described in Subsection
- 12421 (3)(a)(v) or (4)(b), the public meeting addressing general business items shall conclude before
- 12422 the beginning of the public hearing described in Subsection (3)(a)(v) or (4)(b).
- 12423 (f) (i) Except as provided in Subsection (8)(f)(ii), a taxing entity may not hold the
- 12424 public hearing described in Subsection (3)(a)(v) or (4)(b) on the same date as another public
- 12425 hearing of the taxing entity.
- 12426 (ii) A taxing entity may hold the following hearings on the same date as a public
- 12427 hearing described in Subsection (3)(a)(v) or (4)(b):

- 12428 (A) a budget hearing;
- 12429 (B) if the taxing entity is a ~~local~~ special district or a special service district, a fee
- 12430 hearing described in Section [17B-1-643](#);
- 12431 (C) if the taxing entity is a town, an enterprise fund hearing described in Section
- 12432 [10-5-107.5](#); or
- 12433 (D) if the taxing entity is a city, an enterprise fund hearing described in Section
- 12434 [10-6-135.5](#).
- 12435 (9) (a) If a taxing entity does not make a final decision on budgeting additional ad
- 12436 valorem tax revenue at a public hearing described in Subsection (3)(a)(v) or (4)(b), the taxing
- 12437 entity shall:
 - 12438 (i) announce at that public hearing the scheduled time and place of the next public
 - 12439 meeting at which the taxing entity will consider budgeting the additional ad valorem tax
 - 12440 revenue; and
 - 12441 (ii) if the taxing entity is a fiscal year taxing entity, hold the public meeting described
 - 12442 in Subsection (9)(a)(i) before September 1.
 - 12443 (b) A calendar year taxing entity may not adopt a final budget that budgets an amount
 - 12444 of additional ad valorem tax revenue that exceeds the largest amount of additional ad valorem
 - 12445 tax revenue stated at a public meeting under Subsection (3)(a)(i).
 - 12446 (c) A public hearing on levying a tax rate that exceeds a fiscal year taxing entity's
 - 12447 certified tax rate may coincide with a public hearing on the fiscal year taxing entity's proposed
 - 12448 annual budget.
- 12449 Section 265. Section **59-2-1317** is amended to read:
- 12450 **59-2-1317. Tax notice -- Contents of notice -- Procedures and requirements for**
- 12451 **providing notice.**
 - 12452 (1) As used in this section, "political subdivision lien" means the same as that term is
 - 12453 defined in Section [11-60-102](#).
 - 12454 (2) Subject to the other provisions of this section, the county treasurer shall:
 - 12455 (a) collect the taxes and tax notice charges; and
 - 12456 (b) provide a notice to each taxpayer that contains the following:
 - 12457 (i) the kind and value of property assessed to the taxpayer;
 - 12458 (ii) the street address of the property, if available to the county;

- 12459 (iii) that the property may be subject to a detailed review in the next year under Section
12460 59-2-303.1;
- 12461 (iv) the amount of taxes levied;
- 12462 (v) a separate statement of the taxes levied only on a certain kind or class of property
12463 for a special purpose;
- 12464 (vi) property tax information pertaining to taxpayer relief, options for payment of
12465 taxes, and collection procedures;
- 12466 (vii) any tax notice charges applicable to the property, including:
- 12467 (A) if applicable, a political subdivision lien for road damage that a railroad company
12468 causes, as described in Section 10-7-30;
- 12469 (B) if applicable, a political subdivision lien for municipal water distribution, as
12470 described in Section 10-8-17, or a political subdivision lien for an increase in supply from a
12471 municipal water distribution, as described in Section 10-8-19;
- 12472 (C) if applicable, a political subdivision lien for unpaid abatement fees as described in
12473 Section 10-11-4;
- 12474 (D) if applicable, a political subdivision lien for the unpaid portion of an assessment
12475 assessed in accordance with Title 11, Chapter 42, Assessment Area Act, or Title 11, Chapter
12476 42a, Commercial Property Assessed Clean Energy Act, including unpaid costs, charges, and
12477 interest as of the date the local entity certifies the unpaid amount to the county treasurer;
- 12478 (E) if applicable, for a ~~local~~ special district in accordance with Section 17B-1-902, a
12479 political subdivision lien for an unpaid fee, administrative cost, or interest;
- 12480 (F) if applicable, a political subdivision lien for an unpaid irrigation district use charge
12481 as described in Section 17B-2a-506;
- 12482 (G) if applicable, a political subdivision lien for a contract assessment under a water
12483 contract, as described in Section 17B-2a-1007; and
- 12484 (H) if applicable, a property tax penalty that a public infrastructure district imposes, as
12485 described in Section 17D-4-304;
- 12486 (viii) if a county's tax notice includes an assessment area charge, a statement that, due
12487 to potentially ongoing assessment area charges, costs, penalties, and interest, payment of a tax
12488 notice charge may not:
- 12489 (A) pay off the full amount the property owner owes to the tax notice entity; or

- 12490 (B) cause a release of the lien underlying the tax notice charge;
- 12491 (ix) the date the taxes and tax notice charges are due;
- 12492 (x) the street address at which the taxes and tax notice charges may be paid;
- 12493 (xi) the date on which the taxes and tax notice charges are delinquent;
- 12494 (xii) the penalty imposed on delinquent taxes and tax notice charges;
- 12495 (xiii) a statement that explains the taxpayer's right to direct allocation of a partial
- 12496 payment in accordance with Subsection (9);
- 12497 (xiv) other information specifically authorized to be included on the notice under this
- 12498 chapter; and
- 12499 (xv) other property tax information approved by the commission.
- 12500 (3) (a) Unless expressly allowed under this section or another statutory provision, the
- 12501 treasurer may not add an amount to be collected to the property tax notice.
- 12502 (b) If the county treasurer adds an amount to be collected to the property tax notice
- 12503 under this section or another statutory provision that expressly authorizes the item's inclusion
- 12504 on the property tax notice:
- 12505 (i) the amount constitutes a tax notice charge; and
- 12506 (ii) (A) the tax notice charge has the same priority as property tax; and
- 12507 (B) a delinquency of the tax notice charge triggers a tax sale, in accordance with
- 12508 Section [59-2-1343](#).
- 12509 (4) For any property for which property taxes or tax notice charges are delinquent, the
- 12510 notice described in Subsection (2) shall state, "Prior taxes or tax notice charges are delinquent
- 12511 on this parcel."
- 12512 (5) Except as provided in Subsection (6), the county treasurer shall:
- 12513 (a) mail the notice required by this section, postage prepaid; or
- 12514 (b) leave the notice required by this section at the taxpayer's residence or usual place of
- 12515 business, if known.
- 12516 (6) (a) Subject to the other provisions of this Subsection (6), a county treasurer may, at
- 12517 the county treasurer's discretion, provide the notice required by this section by electronic mail if
- 12518 a taxpayer makes an election, according to procedures determined by the county treasurer, to
- 12519 receive the notice by electronic mail.
- 12520 (b) A taxpayer may revoke an election to receive the notice required by this section by

12521 electronic mail if the taxpayer provides written notice to the treasurer on or before October 1.

12522 (c) A revocation of an election under this section does not relieve a taxpayer of the
12523 duty to pay a tax or tax notice charge due under this chapter on or before the due date for
12524 paying the tax or tax notice charge.

12525 (d) A county treasurer shall provide the notice required by this section using a method
12526 described in Subsection (5), until a taxpayer makes a new election in accordance with this
12527 Subsection (6), if:

12528 (i) the taxpayer revokes an election in accordance with Subsection (6)(b) to receive the
12529 notice required by this section by electronic mail; or

12530 (ii) the county treasurer finds that the taxpayer's electronic mail address is invalid.

12531 (e) A person is considered to be a taxpayer for purposes of this Subsection (6)
12532 regardless of whether the property that is the subject of the notice required by this section is
12533 exempt from taxation.

12534 (7) (a) The county treasurer shall provide the notice required by this section to a
12535 taxpayer on or before November 1.

12536 (b) The county treasurer shall keep on file in the county treasurer's office the
12537 information set forth in the notice.

12538 (c) The county treasurer is not required to mail a tax receipt acknowledging payment.

12539 (8) This section does not apply to property taxed under Section [59-2-1302](#) or
12540 [59-2-1307](#).

12541 (9) (a) A taxpayer who pays less than the full amount due on the taxpayer's property tax
12542 notice may, on a form provided by the county treasurer, direct how the county treasurer
12543 allocates the partial payment between:

12544 (i) the total amount due for property tax;

12545 (ii) the amount due for assessments, past due ~~local~~ special district fees, and other tax
12546 notice charges; and

12547 (iii) any other amounts due on the property tax notice.

12548 (b) The county treasurer shall comply with a direction submitted to the county treasurer
12549 in accordance with Subsection (9)(a).

12550 (c) The provisions of this Subsection (9) do not:

12551 (i) affect the right or ability of a local entity to pursue any available remedy for

12552 non-payment of any item listed on a taxpayer's property tax notice; or

12553 (ii) toll or otherwise change any time period related to a remedy described in

12554 Subsection (9)(c)(i).

12555 Section 266. Section **63A-15-102** is amended to read:

12556 **63A-15-102. Definitions.**

12557 (1) "Commission" means the Political Subdivisions Ethics Review Commission
12558 established in Section [63A-15-201](#).

12559 (2) "Complainant" means a person who files a complaint in accordance with Section
12560 [63A-15-501](#).

12561 (3) "Ethics violation" means a violation of:

12562 (a) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;

12563 (b) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or

12564 (c) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

12565 (4) "Local political subdivision ethics commission" means an ethics commission
12566 established by a political subdivision within the political subdivision or with another political
12567 subdivision by interlocal agreement in accordance with Section [63A-15-103](#).

12568 (5) "Political subdivision" means a county, municipality, school district, community
12569 reinvestment agency, ~~local~~ special district, special service district, an entity created by an
12570 interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, a local
12571 building authority, or any other governmental subdivision or public corporation.

12572 (6) (a) "Political subdivision employee" means a person who is:

12573 (i) (A) in a municipality, employed as a city manager or non-elected chief executive on
12574 a full or part-time basis; or

12575 (B) employed as the non-elected chief executive by a political subdivision other than a
12576 municipality on a full or part-time basis; and

12577 (ii) subject to:

12578 (A) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;

12579 (B) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or

12580 (C) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

12581 (b) "Political subdivision employee" does not include:

12582 (i) a person who is a political subdivision officer;

- 12583 (ii) an employee of a state entity; or
- 12584 (iii) a legislative employee as defined in Section 67-16-3.
- 12585 (7) "Political subdivision governing body" means:
- 12586 (a) for a county, the county legislative body as defined in Section 68-3-12.5;
- 12587 (b) for a municipality, the council of the city or town;
- 12588 (c) for a school district, the local board of education described in Section 53G-4-201;
- 12589 (d) for a community reinvestment agency, the agency board described in Section
- 12590 17C-1-203;
- 12591 (e) for a ~~local~~ special district, the board of trustees described in Section 17B-1-301;
- 12592 (f) for a special service district:
- 12593 (i) the legislative body of the county, city, or town that established the special service
- 12594 district, if no administrative control board has been appointed under Section 17D-1-301; or
- 12595 (ii) the administrative control board of the special service district, if an administrative
- 12596 control board has been appointed under Section 17D-1-301;
- 12597 (g) for an entity created by an interlocal agreement, the governing body of an interlocal
- 12598 entity, as defined in Section 11-13-103;
- 12599 (h) for a local building authority, the governing body, as defined in Section 17D-2-102,
- 12600 that creates the local building authority; or
- 12601 (i) for any other governmental subdivision or public corporation, the board or other
- 12602 body authorized to make executive and management decisions for the subdivision or public
- 12603 corporation.
- 12604 (8) (a) "Political subdivision officer" means a person elected in a political subdivision
- 12605 who is subject to:
- 12606 (i) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;
- 12607 (ii) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or
- 12608 (iii) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
- 12609 (b) "Political subdivision officer" does not include:
- 12610 (i) a person elected or appointed to a state entity;
- 12611 (ii) the governor;
- 12612 (iii) the lieutenant governor;
- 12613 (iv) a member or member-elect of either house of the Legislature; or

- 12614 (v) a member of Utah's congressional delegation.
- 12615 (9) "Respondent" means a person who files a response in accordance with Section
- 12616 63A-15-604.
- 12617 Section 267. Section **63G-6a-103** is amended to read:
- 12618 **63G-6a-103. Definitions.**
- 12619 As used in this chapter:
- 12620 (1) "Approved vendor" means a person who has been approved for inclusion on an
- 12621 approved vendor list through the approved vendor list process.
- 12622 (2) "Approved vendor list" means a list of approved vendors established under Section
- 12623 63G-6a-507.
- 12624 (3) "Approved vendor list process" means the procurement process described in
- 12625 Section 63G-6a-507.
- 12626 (4) "Bidder" means a person who submits a bid or price quote in response to an
- 12627 invitation for bids.
- 12628 (5) "Bidding process" means the procurement process described in Part 6, Bidding.
- 12629 (6) "Board" means the Utah State Procurement Policy Board, created in Section
- 12630 63G-6a-202.
- 12631 (7) "Building board" means the State Building Board, created in Section 63A-5b-201.
- 12632 (8) "Change directive" means a written order signed by the procurement officer that
- 12633 directs the contractor to suspend work or make changes, as authorized by contract, without the
- 12634 consent of the contractor.
- 12635 (9) "Change order" means a written alteration in specifications, delivery point, rate of
- 12636 delivery, period of performance, price, quantity, or other provisions of a contract, upon mutual
- 12637 agreement of the parties to the contract.
- 12638 (10) "Chief procurement officer" means the individual appointed under Section
- 12639 63A-2-102.
- 12640 (11) "Conducting procurement unit" means a procurement unit that conducts all
- 12641 aspects of a procurement:
- 12642 (a) except:
- 12643 (i) reviewing a solicitation to verify that it is in proper form; and
- 12644 (ii) causing the publication of a notice of a solicitation; and

- 12645 (b) including:
- 12646 (i) preparing any solicitation document;
- 12647 (ii) appointing an evaluation committee;
- 12648 (iii) conducting the evaluation process, except the process relating to scores calculated
- 12649 for costs of proposals;
- 12650 (iv) selecting and recommending the person to be awarded a contract;
- 12651 (v) negotiating the terms and conditions of a contract, subject to the issuing
- 12652 procurement unit's approval; and
- 12653 (vi) contract administration.
- 12654 (12) "Conservation district" means the same as that term is defined in Section
- 12655 [17D-3-102](#).
- 12656 (13) "Construction project":
- 12657 (a) means a project for the construction, renovation, alteration, improvement, or repair
- 12658 of a public facility on real property, including all services, labor, supplies, and materials for the
- 12659 project; and
- 12660 (b) does not include services and supplies for the routine, day-to-day operation, repair,
- 12661 or maintenance of an existing public facility.
- 12662 (14) "Construction manager/general contractor":
- 12663 (a) means a contractor who enters into a contract:
- 12664 (i) for the management of a construction project; and
- 12665 (ii) that allows the contractor to subcontract for additional labor and materials that are
- 12666 not included in the contractor's cost proposal submitted at the time of the procurement of the
- 12667 contractor's services; and
- 12668 (b) does not include a contractor whose only subcontract work not included in the
- 12669 contractor's cost proposal submitted as part of the procurement of the contractor's services is to
- 12670 meet subcontracted portions of change orders approved within the scope of the project.
- 12671 (15) "Construction subcontractor":
- 12672 (a) means a person under contract with a contractor or another subcontractor to provide
- 12673 services or labor for the design or construction of a construction project;
- 12674 (b) includes a general contractor or specialty contractor licensed or exempt from
- 12675 licensing under Title 58, Chapter 55, Utah Construction Trades Licensing Act; and

12676 (c) does not include a supplier who provides only materials, equipment, or supplies to a
12677 contractor or subcontractor for a construction project.

12678 (16) "Contract" means an agreement for a procurement.

12679 (17) "Contract administration" means all functions, duties, and responsibilities
12680 associated with managing, overseeing, and carrying out a contract between a procurement unit
12681 and a contractor, including:

12682 (a) implementing the contract;

12683 (b) ensuring compliance with the contract terms and conditions by the conducting
12684 procurement unit and the contractor;

12685 (c) executing change orders;

12686 (d) processing contract amendments;

12687 (e) resolving, to the extent practicable, contract disputes;

12688 (f) curing contract errors and deficiencies;

12689 (g) terminating a contract;

12690 (h) measuring or evaluating completed work and contractor performance;

12691 (i) computing payments under the contract; and

12692 (j) closing out a contract.

12693 (18) "Contractor" means a person who is awarded a contract with a procurement unit.

12694 (19) "Cooperative procurement" means procurement conducted by, or on behalf of:

12695 (a) more than one procurement unit; or

12696 (b) a procurement unit and a cooperative purchasing organization.

12697 (20) "Cooperative purchasing organization" means an organization, association, or
12698 alliance of purchasers established to combine purchasing power in order to obtain the best
12699 value for the purchasers by engaging in procurements in accordance with Section [63G-6a-2105](#).

12700 (21) "Cost-plus-a-percentage-of-cost contract" means a contract under which the
12701 contractor is paid a percentage of the total actual expenses or costs in addition to the
12702 contractor's actual expenses or costs.

12703 (22) "Cost-reimbursement contract" means a contract under which a contractor is
12704 reimbursed for costs which are allowed and allocated in accordance with the contract terms and
12705 the provisions of this chapter, and a fee, if any.

12706 (23) "Days" means calendar days, unless expressly provided otherwise.

12707 (24) "Definite quantity contract" means a fixed price contract that provides for a
12708 specified amount of supplies over a specified period, with deliveries scheduled according to a
12709 specified schedule.

12710 (25) "Design professional" means:

12711 (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects
12712 Licensing Act;

12713 (b) an individual licensed as a professional engineer or professional land surveyor
12714 under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing
12715 Act; or

12716 (c) an individual certified as a commercial interior designer under Title 58, Chapter 86,
12717 State Certification of Commercial Interior Designers Act.

12718 (26) "Design professional procurement process" means the procurement process
12719 described in Part 15, Design Professional Services.

12720 (27) "Design professional services" means:

12721 (a) professional services within the scope of the practice of architecture as defined in
12722 Section [58-3a-102](#);

12723 (b) professional engineering as defined in Section [58-22-102](#);

12724 (c) master planning and programming services; or

12725 (d) services within the scope of the practice of commercial interior design, as defined
12726 in Section [58-86-102](#).

12727 (28) "Design-build" means the procurement of design professional services and
12728 construction by the use of a single contract.

12729 (29) "Division" means the Division of Purchasing and General Services, created in
12730 Section [63A-2-101](#).

12731 (30) "Educational procurement unit" means:

12732 (a) a school district;

12733 (b) a public school, including a local school board or a charter school;

12734 (c) the Utah Schools for the Deaf and the Blind;

12735 (d) the Utah Education and Telehealth Network;

12736 (e) an institution of higher education of the state described in Section [53B-1-102](#); or

12737 (f) the State Board of Education.

12738 (31) "Established catalogue price" means the price included in a catalogue, price list,
12739 schedule, or other form that:

12740 (a) is regularly maintained by a manufacturer or contractor;

12741 (b) is published or otherwise available for inspection by customers; and

12742 (c) states prices at which sales are currently or were last made to a significant number
12743 of any category of buyers or buyers constituting the general buying public for the supplies or
12744 services involved.

12745 (32) (a) "Executive branch procurement unit" means a department, division, office,
12746 bureau, agency, or other organization within the state executive branch.

12747 (b) "Executive branch procurement unit" does not include the Colorado River
12748 Authority of Utah as provided in Section [63M-14-210](#).

12749 (33) "Facilities division" means the Division of Facilities Construction and
12750 Management, created in Section [63A-5b-301](#).

12751 (34) "Fixed price contract" means a contract that provides a price, for each
12752 procurement item obtained under the contract, that is not subject to adjustment except to the
12753 extent that:

12754 (a) the contract provides, under circumstances specified in the contract, for an
12755 adjustment in price that is not based on cost to the contractor; or

12756 (b) an adjustment is required by law.

12757 (35) "Fixed price contract with price adjustment" means a fixed price contract that
12758 provides for an upward or downward revision of price, precisely described in the contract, that:

12759 (a) is based on the consumer price index or another commercially acceptable index,
12760 source, or formula; and

12761 (b) is not based on a percentage of the cost to the contractor.

12762 (36) "Grant" means an expenditure of public funds or other assistance, or an agreement
12763 to expend public funds or other assistance, for a public purpose authorized by law, without
12764 acquiring a procurement item in exchange.

12765 (37) "Immaterial error":

12766 (a) means an irregularity or abnormality that is:

12767 (i) a matter of form that does not affect substance; or

12768 (ii) an inconsequential variation from a requirement of a solicitation that has no, little,

12769 or a trivial effect on the procurement process and that is not prejudicial to other vendors; and

12770 (b) includes:

12771 (i) a missing signature, missing acknowledgment of an addendum, or missing copy of a
12772 professional license, bond, or insurance certificate;

12773 (ii) a typographical error;

12774 (iii) an error resulting from an inaccuracy or omission in the solicitation; and

12775 (iv) any other error that the procurement official reasonably considers to be immaterial.

12776 (38) "Indefinite quantity contract" means a fixed price contract that:

12777 (a) is for an indefinite amount of procurement items to be supplied as ordered by a
12778 procurement unit; and

12779 (b) (i) does not require a minimum purchase amount; or

12780 (ii) provides a maximum purchase limit.

12781 (39) "Independent procurement unit" means:

12782 (a) (i) a legislative procurement unit;

12783 (ii) a judicial branch procurement unit;

12784 (iii) an educational procurement unit;

12785 (iv) a local government procurement unit;

12786 (v) a conservation district;

12787 (vi) a local building authority;

12788 (vii) a ~~local~~ special district;

12789 (viii) a public corporation;

12790 (ix) a special service district; or

12791 (x) the Utah Communications Authority, established in Section [63H-7a-201](#);

12792 (b) the building board or the facilities division, but only to the extent of the
12793 procurement authority provided under Title 63A, Chapter 5b, Administration of State
12794 Facilities;

12795 (c) the attorney general, but only to the extent of the procurement authority provided
12796 under Title 67, Chapter 5, Attorney General;

12797 (d) the Department of Transportation, but only to the extent of the procurement
12798 authority provided under Title 72, Transportation Code; or

12799 (e) any other executive branch department, division, office, or entity that has statutory

12800 procurement authority outside this chapter, but only to the extent of that statutory procurement
12801 authority.

12802 (40) "Invitation for bids":

12803 (a) means a document used to solicit:

12804 (i) bids to provide a procurement item to a procurement unit; or

12805 (ii) quotes for a price of a procurement item to be provided to a procurement unit; and

12806 (b) includes all documents attached to or incorporated by reference in a document

12807 described in Subsection (40)(a).

12808 (41) "Issuing procurement unit" means a procurement unit that:

12809 (a) reviews a solicitation to verify that it is in proper form;

12810 (b) causes the notice of a solicitation to be published; and

12811 (c) negotiates and approves the terms and conditions of a contract.

12812 (42) "Judicial procurement unit" means:

12813 (a) the Utah Supreme Court;

12814 (b) the Utah Court of Appeals;

12815 (c) the Judicial Council;

12816 (d) a state judicial district; or

12817 (e) an office, committee, subcommittee, or other organization within the state judicial

12818 branch.

12819 (43) "Labor hour contract" is a contract under which:

12820 (a) the supplies and materials are not provided by, or through, the contractor; and

12821 (b) the contractor is paid a fixed rate that includes the cost of labor, overhead, and

12822 profit for a specified number of labor hours or days.

12823 (44) "Legislative procurement unit" means:

12824 (a) the Legislature;

12825 (b) the Senate;

12826 (c) the House of Representatives;

12827 (d) a staff office of the Legislature, the Senate, or the House of Representatives; or

12828 (e) a committee, subcommittee, commission, or other organization:

12829 (i) within the state legislative branch; or

12830 (ii) (A) that is created by statute to advise or make recommendations to the Legislature;

- 12831 (B) the membership of which includes legislators; and
- 12832 (C) for which the Office of Legislative Research and General Counsel provides staff
- 12833 support.
- 12834 (45) "Local building authority" means the same as that term is defined in Section
- 12835 [17D-2-102](#).
- 12836 [~~(46)~~] "Local district" means the same as that term is defined in Section [17B-1-102](#);
- 12837 [~~(47)~~] (46) "Local government procurement unit" means:
- 12838 (a) a county or municipality, and each office or agency of the county or municipality,
- 12839 unless the county or municipality adopts its own procurement code by ordinance;
- 12840 (b) a county or municipality that has adopted this entire chapter by ordinance, and each
- 12841 office or agency of that county or municipality; or
- 12842 (c) a county or municipality that has adopted a portion of this chapter by ordinance, to
- 12843 the extent that a term in the ordinance is used in the adopted portion of this chapter, and each
- 12844 office or agency of that county or municipality.
- 12845 [~~(48)~~] (47) "Multiple award contracts" means the award of a contract for an indefinite
- 12846 quantity of a procurement item to more than one person.
- 12847 [~~(49)~~] (48) "Multiyear contract" means a contract that extends beyond a one-year
- 12848 period, including a contract that permits renewal of the contract, without competition, beyond
- 12849 the first year of the contract.
- 12850 [~~(50)~~] (49) "Municipality" means a city, town, or metro township.
- 12851 [~~(51)~~] (50) "Nonadopting local government procurement unit" means:
- 12852 (a) a county or municipality that has not adopted Part 16, Protests, Part 17,
- 12853 Procurement Appeals Board, Part 18, Appeals to Court and Court Proceedings, and Part 19,
- 12854 General Provisions Related to Protest or Appeal; and
- 12855 (b) each office or agency of a county or municipality described in Subsection [~~(51)~~]
- 12856 [\(50\)](#)(a).
- 12857 [~~(52)~~] (51) "Offeror" means a person who submits a proposal in response to a request
- 12858 for proposals.
- 12859 [~~(53)~~] (52) "Preferred bidder" means a bidder that is entitled to receive a reciprocal
- 12860 preference under the requirements of this chapter.
- 12861 [~~(54)~~] (53) "Procure" means to acquire a procurement item through a procurement.

12862 [~~(55)~~] (54) "Procurement" means the acquisition of a procurement item through an
12863 expenditure of public funds, or an agreement to expend public funds, including an acquisition
12864 through a public-private partnership.

12865 [~~(56)~~] (55) "Procurement item" means an item of personal property, a technology, a
12866 service, or a construction project.

12867 [~~(57)~~] (56) "Procurement official" means:

12868 (a) for a procurement unit other than an independent procurement unit, the chief
12869 procurement officer;

12870 (b) for a legislative procurement unit, the individual, individuals, or body designated in
12871 a policy adopted by the Legislative Management Committee;

12872 (c) for a judicial procurement unit, the Judicial Council or an individual or body
12873 designated by the Judicial Council by rule;

12874 (d) for a local government procurement unit:

12875 (i) the legislative body of the local government procurement unit; or

12876 (ii) an individual or body designated by the local government procurement unit;

12877 (e) for a [~~local~~] special district, the board of trustees of the [~~local~~] special district or the
12878 board of trustees' designee;

12879 (f) for a special service district, the governing body of the special service district or the
12880 governing body's designee;

12881 (g) for a local building authority, the board of directors of the local building authority
12882 or the board of directors' designee;

12883 (h) for a conservation district, the board of supervisors of the conservation district or
12884 the board of supervisors' designee;

12885 (i) for a public corporation, the board of directors of the public corporation or the board
12886 of directors' designee;

12887 (j) for a school district or any school or entity within a school district, the board of the
12888 school district or the board's designee;

12889 (k) for a charter school, the individual or body with executive authority over the charter
12890 school or the designee of the individual or body;

12891 (l) for an institution of higher education described in Section 53B-2-101, the president
12892 of the institution of higher education or the president's designee;

12893 (m) for the State Board of Education, the State Board of Education or the State Board
12894 of Education's designee;

12895 (n) for the Utah Board of Higher Education, the Commissioner of Higher Education or
12896 the designee of the Commissioner of Higher Education;

12897 (o) for the Utah Communications Authority, established in Section 63H-7a-201, the
12898 executive director of the Utah Communications Authority or the executive director's designee;
12899 or

12900 (p) (i) for the building board, and only to the extent of procurement activities of the
12901 building board as an independent procurement unit under the procurement authority provided
12902 under Title 63A, Chapter 5b, Administration of State Facilities, the director of the building
12903 board or the director's designee;

12904 (ii) for the facilities division, and only to the extent of procurement activities of the
12905 facilities division as an independent procurement unit under the procurement authority
12906 provided under Title 63A, Chapter 5b, Administration of State Facilities, the director of the
12907 facilities division or the director's designee;

12908 (iii) for the attorney general, and only to the extent of procurement activities of the
12909 attorney general as an independent procurement unit under the procurement authority provided
12910 under Title 67, Chapter 5, Attorney General, the attorney general or the attorney general's
12911 designee;

12912 (iv) for the Department of Transportation created in Section 72-1-201, and only to the
12913 extent of procurement activities of the Department of Transportation as an independent
12914 procurement unit under the procurement authority provided under Title 72, Transportation
12915 Code, the executive director of the Department of Transportation or the executive director's
12916 designee; or

12917 (v) for any other executive branch department, division, office, or entity that has
12918 statutory procurement authority outside this chapter, and only to the extent of the procurement
12919 activities of the department, division, office, or entity as an independent procurement unit
12920 under the procurement authority provided outside this chapter for the department, division,
12921 office, or entity, the chief executive officer of the department, division, office, or entity or the
12922 chief executive officer's designee.

12923 [(58)] (57) "Procurement unit":

- 12924 (a) means:
- 12925 (i) a legislative procurement unit;
- 12926 (ii) an executive branch procurement unit;
- 12927 (iii) a judicial procurement unit;
- 12928 (iv) an educational procurement unit;
- 12929 (v) the Utah Communications Authority, established in Section [63H-7a-201](#);
- 12930 (vi) a local government procurement unit;
- 12931 (vii) a ~~[local]~~ special district;
- 12932 (viii) a special service district;
- 12933 (ix) a ~~[local]~~ special building authority;
- 12934 (x) a conservation district; or
- 12935 (xi) a public corporation; and
- 12936 (b) does not include a political subdivision created under Title 11, Chapter 13,
- 12937 Interlocal Cooperation Act.
- 12938 ~~[(59)]~~ (58) "Professional service" means labor, effort, or work that requires specialized
- 12939 knowledge, expertise, and discretion, including labor, effort, or work in the field of:
- 12940 (a) accounting;
- 12941 (b) administrative law judge service;
- 12942 (c) architecture;
- 12943 (d) construction design and management;
- 12944 (e) engineering;
- 12945 (f) financial services;
- 12946 (g) information technology;
- 12947 (h) the law;
- 12948 (i) medicine;
- 12949 (j) psychiatry; or
- 12950 (k) underwriting.
- 12951 ~~[(60)]~~ (59) "Protest officer" means:
- 12952 (a) for the division or an independent procurement unit:
- 12953 (i) the procurement official;
- 12954 (ii) the procurement official's designee who is an employee of the procurement unit; or

- 12955 (iii) a person designated by rule made by the rulemaking authority; or
12956 (b) for a procurement unit other than an independent procurement unit, the chief
12957 procurement officer or the chief procurement officer's designee who is an employee of the
12958 division.
- 12959 [~~(61)~~] (60) "Public corporation" means the same as that term is defined in Section
12960 [63E-1-102](#).
- 12961 [~~(62)~~] (61) "Public entity" means the state or any other government entity within the
12962 state that expends public funds.
- 12963 [~~(63)~~] (62) "Public facility" means a building, structure, infrastructure, improvement,
12964 or other facility of a public entity.
- 12965 [~~(64)~~] (63) "Public funds" means money, regardless of its source, including from the
12966 federal government, that is owned or held by a procurement unit.
- 12967 [~~(65)~~] (64) "Public transit district" means a public transit district organized under Title
12968 17B, Chapter 2a, Part 8, Public Transit District Act.
- 12969 [~~(66)~~] (65) "Public-private partnership" means an arrangement or agreement, occurring
12970 on or after January 1, 2017, between a procurement unit and one or more contractors to provide
12971 for a public need through the development or operation of a project in which the contractor or
12972 contractors share with the procurement unit the responsibility or risk of developing, owning,
12973 maintaining, financing, or operating the project.
- 12974 [~~(67)~~] (66) "Qualified vendor" means a vendor who:
12975 (a) is responsible; and
12976 (b) submits a responsive statement of qualifications under Section [63G-6a-410](#) that
12977 meets the minimum mandatory requirements, evaluation criteria, and any applicable score
12978 thresholds set forth in the request for statement of qualifications.
- 12979 [~~(68)~~] (67) "Real property" means land and any building, fixture, improvement,
12980 appurtenance, structure, or other development that is permanently affixed to land.
- 12981 [~~(69)~~] (68) "Request for information" means a nonbinding process through which a
12982 procurement unit requests information relating to a procurement item.
- 12983 [~~(70)~~] (69) "Request for proposals" means a document used to solicit proposals to
12984 provide a procurement item to a procurement unit, including all other documents that are
12985 attached to that document or incorporated in that document by reference.

12986 [~~(71)~~] (70) "Request for proposals process" means the procurement process described
12987 in Part 7, Request for Proposals.

12988 [~~(72)~~] (71) "Request for statement of qualifications" means a document used to solicit
12989 information about the qualifications of a person interested in responding to a potential
12990 procurement, including all other documents attached to that document or incorporated in that
12991 document by reference.

12992 [~~(73)~~] (72) "Requirements contract" means a contract:

12993 (a) under which a contractor agrees to provide a procurement unit's entire requirements
12994 for certain procurement items at prices specified in the contract during the contract period; and

12995 (b) that:

12996 (i) does not require a minimum purchase amount; or

12997 (ii) provides a maximum purchase limit.

12998 [~~(74)~~] (73) "Responsible" means being capable, in all respects, of:

12999 (a) meeting all the requirements of a solicitation; and

13000 (b) fully performing all the requirements of the contract resulting from the solicitation,
13001 including being financially solvent with sufficient financial resources to perform the contract.

13002 [~~(75)~~] (74) "Responsive" means conforming in all material respects to the requirements
13003 of a solicitation.

13004 [~~(76)~~] (75) "Rule" includes a policy or regulation adopted by the rulemaking authority,
13005 if adopting a policy or regulation is the method the rulemaking authority uses to adopt
13006 provisions that govern the applicable procurement unit.

13007 [~~(77)~~] (76) "Rulemaking authority" means:

13008 (a) for a legislative procurement unit, the Legislative Management Committee;

13009 (b) for a judicial procurement unit, the Judicial Council;

13010 (c) (i) only to the extent of the procurement authority expressly granted to the
13011 procurement unit by statute:

13012 (A) for the building board or the facilities division, the building board;

13013 (B) for the Office of the Attorney General, the attorney general;

13014 (C) for the Department of Transportation created in Section [72-1-201](#), the executive
13015 director of the Department of Transportation; and

13016 (D) for any other executive branch department, division, office, or entity that has

- 13017 statutory procurement authority outside this chapter, the governing authority of the department,
 13018 division, office, or entity; and
- 13019 (ii) for each other executive branch procurement unit, the board;
- 13020 (d) for a local government procurement unit:
- 13021 (i) the governing body of the local government unit; or
- 13022 (ii) an individual or body designated by the local government procurement unit;
- 13023 (e) for a school district or a public school, the board, except to the extent of a school
 13024 district's own nonadministrative rules that do not conflict with the provisions of this chapter;
- 13025 (f) for a state institution of higher education, the Utah Board of Higher Education;
- 13026 (g) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the
 13027 State Board of Education;
- 13028 (h) for a public transit district, the chief executive of the public transit district;
- 13029 (i) for a ~~[local]~~ special district other than a public transit district or for a special service
 13030 district, the board, except to the extent that the board of trustees of the ~~[local]~~ special district or
 13031 the governing body of the special service district makes its own rules:
- 13032 (i) with respect to a subject addressed by board rules; or
- 13033 (ii) that are in addition to board rules;
- 13034 (j) for the Utah Educational Savings Plan, created in Section [53B-8a-103](#), the Utah
 13035 Board of Higher Education;
- 13036 (k) for the School and Institutional Trust Lands Administration, created in Section
 13037 [53C-1-201](#), the School and Institutional Trust Lands Board of Trustees;
- 13038 (l) for the School and Institutional Trust Fund Office, created in Section [53D-1-201](#),
 13039 the School and Institutional Trust Fund Board of Trustees;
- 13040 (m) for the Utah Communications Authority, established in Section [63H-7a-201](#), the
 13041 Utah Communications Authority board, created in Section [63H-7a-203](#); or
- 13042 (n) for any other procurement unit, the board.
- 13043 ~~[(78)]~~ (77) "Service":
- 13044 (a) means labor, effort, or work to produce a result that is beneficial to a procurement
 13045 unit;
- 13046 (b) includes a professional service; and
- 13047 (c) does not include labor, effort, or work provided under an employment agreement or

13048 a collective bargaining agreement.

13049 ~~[(79)]~~ (78) "Small purchase process" means the procurement process described in
13050 Section [63G-6a-506](#).

13051 ~~[(80)]~~ (79) "Sole source contract" means a contract resulting from a sole source
13052 procurement.

13053 ~~[(81)]~~ (80) "Sole source procurement" means a procurement without competition
13054 pursuant to a determination under Subsection [63G-6a-802\(1\)\(a\)](#) that there is only one source
13055 for the procurement item.

13056 ~~[(82)]~~ (81) "Solicitation" means an invitation for bids, request for proposals, or request
13057 for statement of qualifications.

13058 ~~[(83)]~~ (82) "Solicitation response" means:

13059 (a) a bid submitted in response to an invitation for bids;

13060 (b) a proposal submitted in response to a request for proposals; or

13061 (c) a statement of qualifications submitted in response to a request for statement of
13062 qualifications.

13063 (83) "Special district" means the same as that term is defined in Section [17B-1-102](#).

13064 (84) "Special service district" means the same as that term is defined in Section
13065 [17D-1-102](#).

13066 (85) "Specification" means any description of the physical or functional characteristics
13067 or of the nature of a procurement item included in an invitation for bids or a request for
13068 proposals, or otherwise specified or agreed to by a procurement unit, including a description of:

13069 (a) a requirement for inspecting or testing a procurement item; or

13070 (b) preparing a procurement item for delivery.

13071 (86) "Standard procurement process" means:

13072 (a) the bidding process;

13073 (b) the request for proposals process;

13074 (c) the approved vendor list process;

13075 (d) the small purchase process; or

13076 (e) the design professional procurement process.

13077 (87) "State cooperative contract" means a contract awarded by the division for and in
13078 behalf of all public entities.

13079 (88) "Statement of qualifications" means a written statement submitted to a
13080 procurement unit in response to a request for statement of qualifications.

13081 (89) "Subcontractor":

13082 (a) means a person under contract to perform part of a contractual obligation under the
13083 control of the contractor, whether the person's contract is with the contractor directly or with
13084 another person who is under contract to perform part of a contractual obligation under the
13085 control of the contractor; and

13086 (b) includes a supplier, distributor, or other vendor that furnishes supplies or services
13087 to a contractor.

13088 (90) "Technology" means the same as "information technology," as defined in Section
13089 [63A-16-102](#).

13090 (91) "Tie bid" means that the lowest responsive bids of responsible bidders are
13091 identical in price.

13092 (92) "Time and materials contract" means a contract under which the contractor is paid:

13093 (a) the actual cost of direct labor at specified hourly rates;

13094 (b) the actual cost of materials and equipment usage; and

13095 (c) an additional amount, expressly described in the contract, to cover overhead and
13096 profit, that is not based on a percentage of the cost to the contractor.

13097 (93) "Transitional costs":

13098 (a) means the costs of changing:

13099 (i) from an existing provider of a procurement item to another provider of that
13100 procurement item; or

13101 (ii) from an existing type of procurement item to another type;

13102 (b) includes:

13103 (i) training costs;

13104 (ii) conversion costs;

13105 (iii) compatibility costs;

13106 (iv) costs associated with system downtime;

13107 (v) disruption of service costs;

13108 (vi) staff time necessary to implement the change;

13109 (vii) installation costs; and

- 13110 (viii) ancillary software, hardware, equipment, or construction costs; and
- 13111 (c) does not include:
- 13112 (i) the costs of preparing for or engaging in a procurement process; or
- 13113 (ii) contract negotiation or drafting costs.
- 13114 (94) "Vendor":
- 13115 (a) means a person who is seeking to enter into a contract with a procurement unit to
- 13116 provide a procurement item; and
- 13117 (b) includes:
- 13118 (i) a bidder;
- 13119 (ii) an offeror;
- 13120 (iii) an approved vendor;
- 13121 (iv) a design professional; and
- 13122 (v) a person who submits an unsolicited proposal under Section [63G-6a-712](#).
- 13123 Section 268. Section **63G-6a-2402** is amended to read:
- 13124 **63G-6a-2402. Definitions.**
- 13125 As used in this part:
- 13126 (1) "Contract administration professional":
- 13127 (a) means an individual who:
- 13128 (i) is:
- 13129 (A) directly under contract with a procurement unit; or
- 13130 (B) employed by a person under contract with a procurement unit; and
- 13131 (ii) has responsibility in:
- 13132 (A) developing a solicitation or grant, or conducting the procurement process; or
- 13133 (B) supervising or overseeing the administration or management of a contract or grant;
- 13134 and
- 13135 (b) does not include an employee of the procurement unit.
- 13136 (2) "Contribution":
- 13137 (a) means a voluntary gift or donation of money, service, or anything else of value, to a
- 13138 public entity for the public entity's use and not for the primary use of an individual employed
- 13139 by the public entity; and
- 13140 (b) includes:

- 13141 (i) a philanthropic donation;
- 13142 (ii) admission to a seminar, vendor fair, charitable event, fundraising event, or similar
13143 event that relates to the function of the public entity;
- 13144 (iii) the purchase of a booth or other display space at an event sponsored by the public
13145 entity or a group of which the public entity is a member; and
- 13146 (iv) the sponsorship of an event that is organized by the public entity.
- 13147 (3) "Family member" means a father, mother, husband, wife, son, daughter, sister,
13148 brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
13149 sister-in-law, son-in-law, or daughter-in-law.
- 13150 (4) "Governing body" means an administrative, advisory, executive, or legislative body
13151 of a public entity.
- 13152 (5) "Gratuity":
- 13153 (a) means anything of value given:
- 13154 (i) without anything provided in exchange; or
- 13155 (ii) in excess of the market value of that which is provided in exchange;
- 13156 (b) includes:
- 13157 (i) a gift or favor;
- 13158 (ii) money;
- 13159 (iii) a loan at an interest rate below the market rate or with terms that are more
13160 advantageous to the borrower than terms offered generally on the market;
- 13161 (iv) anything of value provided with an award, other than a certificate, plaque, or
13162 trophy;
- 13163 (v) employment;
- 13164 (vi) admission to an event;
- 13165 (vii) a meal, lodging, or travel;
- 13166 (viii) entertainment for which a charge is normally made; and
- 13167 (ix) a raffle, drawing for a prize, or lottery; and
- 13168 (c) does not include:
- 13169 (i) an item, including a meal in association with a training seminar, that is:
13170 (A) included in a contract or grant; or
13171 (B) provided in the proper performance of a requirement of a contract or grant;

- 13172 (ii) an item requested to evaluate properly the award of a contract or grant;
- 13173 (iii) a rebate, coupon, discount, airline travel award, dividend, or other offering
- 13174 included in the price of a procurement item;
- 13175 (iv) a meal provided by an organization or association, including a professional or
- 13176 educational association, an association of vendors, or an association composed of public
- 13177 agencies or public entities, that does not, as an organization or association, respond to
- 13178 solicitations;
- 13179 (v) a product sample submitted to a public entity to assist the public entity to evaluate a
- 13180 solicitation;
- 13181 (vi) a political campaign contribution;
- 13182 (vii) an item generally available to the public; or
- 13183 (viii) anything of value that one public agency provides to another public agency.
- 13184 (6) "Hospitality gift":
- 13185 (a) means a token gift of minimal value, including a pen, pencil, stationery, toy, pin,
- 13186 trinket, snack, beverage, or appetizer, given for promotional or hospitality purposes; and
- 13187 (b) does not include money, a meal, admission to an event for which a charge is
- 13188 normally made, entertainment for which a charge is normally made, travel, or lodging.
- 13189 (7) "Kickback":
- 13190 (a) means a negotiated bribe provided in connection with a procurement or the
- 13191 administration of a contract or grant; and
- 13192 (b) does not include anything listed in Subsection (5)(c).
- 13193 (8) "Procurement" has the same meaning as defined in Section [63G-6a-103](#), but also
- 13194 includes the awarding of a grant.
- 13195 (9) "Procurement professional":
- 13196 (a) means an individual who is an employee, and not an independent contractor, of a
- 13197 procurement unit, and who, by title or primary responsibility:
- 13198 (i) has procurement decision making authority; and
- 13199 (ii) is assigned to be engaged in, or is engaged in:
- 13200 (A) the procurement process; or
- 13201 (B) the process of administering a contract or grant, including enforcing contract or
- 13202 grant compliance, approving contract or grant payments, or approving contract or grant change

- 13203 orders or amendments; and
- 13204 (b) excludes:
- 13205 (i) any individual who, by title or primary responsibility, does not have procurement
- 13206 decision making authority;
- 13207 (ii) an individual holding an elective office;
- 13208 (iii) a member of a governing body;
- 13209 (iv) a chief executive of a public entity or a chief assistant or deputy of the chief
- 13210 executive, if the chief executive, chief assistant, or deputy, respectively, has a variety of duties
- 13211 and responsibilities beyond the management of the procurement process or the contract or grant
- 13212 administration process;
- 13213 (v) the superintendent, business administrator, principal, or vice principal of a school
- 13214 district or charter school, or the chief assistant or deputy of the superintendent, business
- 13215 administrator, principal, or vice principal;
- 13216 (vi) a university or college president, vice president, business administrator, or dean;
- 13217 (vii) a chief executive of a ~~local~~ special district, as defined in Section [17B-1-102](#), a
- 13218 special service district, as defined in Section [17D-1-102](#), or a political subdivision created
- 13219 under Title 11, Chapter 13, Interlocal Cooperation Act;
- 13220 (viii) an employee of a public entity with:
- 13221 (A) an annual budget of \$1,000,000 or less; or
- 13222 (B) no more than four full-time employees; and
- 13223 (ix) an executive director or director of an executive branch procurement unit who:
- 13224 (A) by title or primary responsibility, does not have procurement decision making
- 13225 authority; and
- 13226 (B) is not assigned to engage in, and is not engaged in, the procurement process.
- 13227 (10) "Public agency" has the same meaning as defined in Section [11-13-103](#), but also
- 13228 includes all officials, employees, and official representatives of a public agency, as defined in
- 13229 Section [11-13-103](#).
- 13230 Section 269. Section **63G-7-401** is amended to read:
- 13231 **63G-7-401. When a claim arises -- Notice of claim requirements -- Governmental**
- 13232 **entity statement -- Limits on challenging validity or timeliness of notice of claim.**
- 13233 (1) (a) Except as provided in Subsection (1)(b), a claim arises when the statute of

13234 limitations that would apply if the claim were against a private person begins to run.

13235 (b) The statute of limitations does not begin to run until a claimant knew, or with the
13236 exercise of reasonable diligence should have known:

13237 (i) that the claimant had a claim against the governmental entity or the governmental
13238 entity's employee; and

13239 (ii) the identity of the governmental entity or the name of the employee.

13240 (c) The burden to prove the exercise of reasonable diligence is upon the claimant.

13241 (2) Any person having a claim against a governmental entity, or against the
13242 governmental entity's employee for an act or omission occurring during the performance of the
13243 employee's duties, within the scope of employment, or under color of authority shall file a
13244 written notice of claim with the entity before maintaining an action, regardless of whether or
13245 not the function giving rise to the claim is characterized as governmental.

13246 (3) (a) The notice of claim shall set forth:

13247 (i) a brief statement of the facts;

13248 (ii) the nature of the claim asserted;

13249 (iii) the damages incurred by the claimant so far as the damages are known; and

13250 (iv) if the claim is being pursued against a governmental employee individually as
13251 provided in Subsection 63G-7-202(3)(c), the name of the employee.

13252 (b) The notice of claim shall be:

13253 (i) signed by the person making the claim or that person's agent, attorney, parent, or
13254 legal guardian, using any form of signature recognized by law as binding; and

13255 (ii) delivered, transmitted, or sent, as provided in Subsection (3)(c), to the office of:

13256 (A) the city or town clerk, when the claim is against an incorporated city or town;

13257 (B) the county clerk, when the claim is against a county;

13258 (C) the superintendent or business administrator of the board, when the claim is against
13259 a school district or board of education;

13260 (D) the presiding officer or secretary or clerk of the board, when the claim is against a
13261 ~~local~~ special district or special service district;

13262 (E) the attorney general, when the claim is against the state;

13263 (F) a member of the governing board, the executive director, or executive secretary,
13264 when the claim is against any other public board, commission, or body; or

13265 (G) the agent authorized by a governmental entity to receive the notice of claim by the
13266 governmental entity under Subsection (5)(e).

13267 (c) A notice of claim shall be:

13268 (i) delivered by hand to the physical address provided under Subsection (5)(a)(iii)(A);

13269 (ii) transmitted by mail to the physical address provided under Subsection

13270 (5)(a)(iii)(A), according to the requirements of Section 68-3-8.5; or

13271 (iii) sent by electronic mail to the email address provided under Subsection

13272 (5)(a)(iii)(B).

13273 (d) A claimant who submits a notice of claim by electronic mail under Subsection
13274 (3)(c)(iii) shall contemporaneously send a copy of the notice of claim by electronic mail to the
13275 city attorney, district attorney, county attorney, attorney general, or other attorney, as the case
13276 may be, who represents the governmental entity.

13277 (4) (a) If an injury that may reasonably be expected to result in a claim against a
13278 governmental entity is sustained by a claimant who is under the age of majority or mentally
13279 incompetent, that governmental entity may file a request with the court for the appointment of a
13280 guardian ad litem for the potential claimant.

13281 (b) If a guardian ad litem is appointed, the time for filing a claim under Section
13282 63G-7-402 begins when the order appointing the guardian ad litem is issued.

13283 (5) (a) A governmental entity subject to suit under this chapter shall file a statement
13284 with the Division of Corporations and Commercial Code within the Department of Commerce
13285 containing:

13286 (i) the name and address of the governmental entity;

13287 (ii) the office or agent designated to receive a notice of claim; and

13288 (iii) (A) the physical address to which a notice of claim is to be delivered by hand or
13289 transmitted by mail, for a notice of claim that a claimant chooses to hand deliver or transmit by
13290 mail; and

13291 (B) the email address to which a notice of claim is to be sent, for a notice of claim that
13292 a claimant chooses to send by email, and the email address of the city attorney, district
13293 attorney, county attorney, attorney general, or other attorney, as the case may be, who
13294 represents the governmental entity.

13295 (b) A governmental entity shall update the governmental entity's statement as necessary

13296 to ensure that the information is accurate.

13297 (c) The Division of Corporations and Commercial Code shall develop a form for
13298 governmental entities to complete that provides the information required by Subsection (5)(a).

13299 (d) (i) A newly incorporated municipality shall file the statement required by
13300 Subsection (5)(a) promptly after the lieutenant governor issues a certificate of incorporation
13301 under Section 67-1a-6.5.

13302 (ii) A newly incorporated [~~local~~] special district shall file the statement required by
13303 Subsection (5)(a) at the time that the written notice is filed with the lieutenant governor under
13304 Section 17B-1-215.

13305 (e) A governmental entity may, in the governmental entity's statement, identify an
13306 agent authorized to accept notices of claim on behalf of the governmental entity.

13307 (6) The Division of Corporations and Commercial Code shall:

13308 (a) maintain an index of the statements required by this section arranged both
13309 alphabetically by entity and by county of operation; and

13310 (b) make the indices available to the public both electronically and via hard copy.

13311 (7) A governmental entity may not challenge the validity of a notice of claim on the
13312 grounds that it was not directed and delivered to the proper office or agent if the error is caused
13313 by the governmental entity's failure to file or update the statement required by Subsection (5).

13314 (8) A governmental entity may not challenge the timeliness, under Section 63G-7-402,
13315 of a notice of claim if:

13316 (a) (i) the claimant files a notice of claim with the governmental entity:

13317 (A) in accordance with the requirements of this section; and

13318 (B) within 30 days after the expiration of the time for filing a notice of claim under
13319 Section 63G-7-402;

13320 (ii) the claimant demonstrates that the claimant previously filed a notice of claim:

13321 (A) in accordance with the requirements of this section;

13322 (B) with an incorrect governmental entity;

13323 (C) in the good faith belief that the claimant was filing the notice of claim with the
13324 correct governmental entity;

13325 (D) within the time for filing a notice of claim under Section 63G-7-402; and

13326 (E) no earlier than 30 days before the expiration of the time for filing a notice of claim

13327 under Section 63G-7-402; and

13328 (iii) the claimant submits with the notice of claim:

13329 (A) a copy of the previous notice of claim that was filed with a governmental entity
13330 other than the correct governmental entity; and

13331 (B) proof of the date the previous notice of claim was filed; or

13332 (b) (i) the claimant delivers by hand, transmits by mail, or sends by email a notice of
13333 claim:

13334 (A) to an elected official or executive officer of the correct governmental entity but not
13335 to the correct office under Subsection (3)(b)(ii); and

13336 (B) that otherwise meets the requirements of Subsection (3); and

13337 (ii) (A) the claimant contemporaneously sends a hard copy or electronic copy of the
13338 notice of claim to the office of the city attorney, district attorney, county attorney, attorney
13339 general, or other attorney, as the case may be, representing the correct governmental entity; or

13340 (B) the governmental entity does not, within 60 days after the claimant delivers the
13341 notice of claim under Subsection (8)(b)(i), provide written notification to the claimant of the
13342 delivery defect and of the identity of the correct office to which the claimant is required to
13343 deliver the notice of claim.

13344 Section 270. Section 67-1a-6.5 is amended to read:

13345 **67-1a-6.5. Certification of local entity boundary actions -- Definitions -- Notice**
13346 **requirements -- Electronic copies -- Filing.**

13347 (1) As used in this section:

13348 (a) "Applicable certificate" means:

13349 (i) for the impending incorporation of a city, town, ~~local~~ special district, conservation
13350 district, or incorporation of a ~~local~~ special district from a reorganized special service district,
13351 a certificate of incorporation;

13352 (ii) for the impending creation of a county, school district, special service district,
13353 community reinvestment agency, or interlocal entity, a certificate of creation;

13354 (iii) for the impending annexation of territory to an existing local entity, a certificate of
13355 annexation;

13356 (iv) for the impending withdrawal or disconnection of territory from an existing local
13357 entity, a certificate of withdrawal or disconnection, respectively;

- 13358 (v) for the impending consolidation of multiple local entities, a certificate of
13359 consolidation;
- 13360 (vi) for the impending division of a local entity into multiple local entities, a certificate
13361 of division;
- 13362 (vii) for the impending adjustment of a common boundary between local entities, a
13363 certificate of boundary adjustment; and
- 13364 (viii) for the impending dissolution of a local entity, a certificate of dissolution.
- 13365 (b) "Approved final local entity plat" means a final local entity plat, as defined in
13366 Section 17-23-20, that has been approved under Section 17-23-20 as a final local entity plat by
13367 the county surveyor.
- 13368 (c) "Approving authority" has the same meaning as defined in Section 17-23-20.
- 13369 (d) "Boundary action" has the same meaning as defined in Section 17-23-20.
- 13370 (e) "Center" means the Utah Geospatial Resource Center created under Section
13371 63A-16-505.
- 13372 (f) "Community reinvestment agency" has the same meaning as defined in Section
13373 17C-1-102.
- 13374 (g) "Conservation district" has the same meaning as defined in Section 17D-3-102.
- 13375 (h) "Interlocal entity" has the same meaning as defined in Section 11-13-103.
- 13376 ~~[(i) "Local district" has the same meaning as defined in Section 17B-1-102.]~~
- 13377 ~~[(j)]~~ (i) "Local entity" means a county, city, town, school district, ~~[local]~~ special
13378 district, community reinvestment agency, special service district, conservation district, or
13379 interlocal entity.
- 13380 ~~[(k)]~~ (j) "Notice of an impending boundary action" means a written notice, as described
13381 in Subsection (3), that provides notice of an impending boundary action.
- 13382 (k) "Special district" means the same as that term is defined in Section 17B-1-102.
- 13383 (l) "Special service district" ~~[has the same meaning as]~~ means the same as that term is
13384 defined in Section 17D-1-102.
- 13385 (2) Within 10 days after receiving a notice of an impending boundary action, the
13386 lieutenant governor shall:
- 13387 (a) (i) issue the applicable certificate, if:
- 13388 (A) the lieutenant governor determines that the notice of an impending boundary action

13389 meets the requirements of Subsection (3); and

13390 (B) except in the case of an impending local entity dissolution, the notice of an

13391 impending boundary action is accompanied by an approved final local entity plat;

13392 (ii) send the applicable certificate to the local entity's approving authority;

13393 (iii) return the original of the approved final local entity plat to the local entity's

13394 approving authority;

13395 (iv) send a copy of the applicable certificate and approved final local entity plat to:

13396 (A) the State Tax Commission;

13397 (B) the center; and

13398 (C) the county assessor, county surveyor, county auditor, and county attorney of each

13399 county in which the property depicted on the approved final local entity plat is located; and

13400 (v) send a copy of the applicable certificate to the state auditor, if the boundary action

13401 that is the subject of the applicable certificate is:

13402 (A) the incorporation or creation of a new local entity;

13403 (B) the consolidation of multiple local entities;

13404 (C) the division of a local entity into multiple local entities; or

13405 (D) the dissolution of a local entity; or

13406 (b) (i) send written notification to the approving authority that the lieutenant governor

13407 is unable to issue the applicable certificate, if:

13408 (A) the lieutenant governor determines that the notice of an impending boundary action

13409 does not meet the requirements of Subsection (3); or

13410 (B) the notice of an impending boundary action is:

13411 (I) not accompanied by an approved final local entity plat; or

13412 (II) accompanied by a plat or final local entity plat that has not been approved as a final

13413 local entity plat by the county surveyor under Section [17-23-20](#); and

13414 (ii) explain in the notification under Subsection (2)(b)(i) why the lieutenant governor is

13415 unable to issue the applicable certificate.

13416 (3) Each notice of an impending boundary action shall:

13417 (a) be directed to the lieutenant governor;

13418 (b) contain the name of the local entity or, in the case of an incorporation or creation,

13419 future local entity, whose boundary is affected or established by the boundary action;

13420 (c) describe the type of boundary action for which an applicable certificate is sought;

13421 (d) be accompanied by a letter from the Utah State Retirement Office, created under

13422 Section 49-11-201, to the approving authority that identifies the potential provisions under

13423 Title 49, Utah State Retirement and Insurance Benefit Act, that the local entity shall comply

13424 with, related to the boundary action, if the boundary action is an impending incorporation or

13425 creation of a local entity that may result in the employment of personnel; and

13426 (e) (i) contain a statement, signed and verified by the approving authority, certifying
13427 that all requirements applicable to the boundary action have been met; or

13428 (ii) in the case of the dissolution of a municipality, be accompanied by a certified copy
13429 of the court order approving the dissolution of the municipality.

13430 (4) The lieutenant governor may require the approving authority to submit a paper or
13431 electronic copy of a notice of an impending boundary action and approved final local entity plat
13432 in conjunction with the filing of the original of those documents.

13433 (5) (a) The lieutenant governor shall:

13434 (i) keep, index, maintain, and make available to the public each notice of an impending
13435 boundary action, approved final local entity plat, applicable certificate, and other document that
13436 the lieutenant governor receives or generates under this section;

13437 (ii) make a copy of each document listed in Subsection (5)(a)(i) available on the
13438 Internet for 12 months after the lieutenant governor receives or generates the document;

13439 (iii) furnish a paper copy of any of the documents listed in Subsection (5)(a)(i) to any
13440 person who requests a paper copy; and

13441 (iv) furnish a certified copy of any of the documents listed in Subsection (5)(a)(i) to
13442 any person who requests a certified copy.

13443 (b) The lieutenant governor may charge a reasonable fee for a paper copy or certified
13444 copy of a document that the lieutenant governor provides under this Subsection (5).

13445 Section 271. Section 67-1a-15 is amended to read:

13446 **67-1a-15. Local government and limited purpose entity registry.**

13447 (1) As used in this section:

13448 (a) "Entity" means a limited purpose entity or a local government entity.

13449 (b) (i) "Limited purpose entity" means a legal entity that:

13450 (A) performs a single governmental function or limited governmental functions; and

13451 (B) is not a state executive branch agency, a state legislative office, or within the
 13452 judicial branch.

13453 (ii) "Limited purpose entity" includes:

13454 (A) area agencies, area agencies on aging, and area agencies on high risk adults, as
 13455 those terms are defined in Section [62A-3-101](#);

13456 (B) charter schools created under Title 53G, Chapter 5, Charter Schools;

13457 (C) community reinvestment agencies, as that term is defined in Section [17C-1-102](#);

13458 (D) conservation districts, as that term is defined in Section [17D-3-102](#);

13459 (E) governmental nonprofit corporations, as that term is defined in Section [11-13a-102](#);

13460 (F) housing authorities, as that term is defined in Section [35A-8-401](#);

13461 (G) independent entities and independent state agencies, as those terms are defined in
 13462 Section [63E-1-102](#);

13463 (H) interlocal entities, as that term is defined in Section [11-13-103](#);

13464 (I) local building authorities, as that term is defined in Section [17D-2-102](#);

13465 [~~(J)~~] local districts, as that term is defined in Section [17B-1-102](#);

13466 [~~(K)~~] (J) local health departments, as that term is defined in Section [26A-1-102](#);

13467 [~~(L)~~] (K) local mental health authorities, as that term is defined in Section [62A-15-102](#);

13468 [~~(M)~~] (L) nonprofit corporations that receive an amount of money requiring an
 13469 accounting report under Section [51-2a-201.5](#);

13470 [~~(N)~~] (M) school districts under Title 53G, Chapter 3, School District Creation and
 13471 Change;

13472 (N) special districts, as that term is defined in Section [17B-1-102](#);

13473 (O) special service districts, as that term is defined in Section [17D-1-102](#); and

13474 (P) substance abuse authorities, as that term is defined in Section [62A-15-102](#).

13475 (c) "Local government and limited purpose entity registry" or "registry" means the
 13476 registry of local government entities and limited purpose entities created under this section.

13477 (d) "Local government entity" means:

13478 (i) a county, as that term is defined in Section [17-50-101](#); and

13479 (ii) a municipality, as that term is defined in Section [10-1-104](#).

13480 (e) "Notice of failure to register" means the notice the lieutenant governor sends, in
 13481 accordance with Subsection (7)(a), to an entity that does not register.

13482 (f) "Notice of failure to renew" means the notice the lieutenant governor sends to a
13483 registered entity, in accordance with Subsection (7)(b).

13484 (g) "Notice of noncompliance" means the notice the lieutenant governor sends to a
13485 registered entity, in accordance with Subsection (6)(c).

13486 (h) "Notice of non-registration" means the notice the lieutenant governor sends to an
13487 entity and the state auditor, in accordance with Subsection (9).

13488 (i) "Notice of registration or renewal" means the notice the lieutenant governor sends,
13489 in accordance with Subsection (6)(b)(i).

13490 (j) "Registered entity" means an entity with a valid registration as described in
13491 Subsection (8).

13492 (2) The lieutenant governor shall:

13493 (a) create a registry of each local government entity and limited purpose entity within
13494 the state that:

13495 (i) contains the information described in Subsection (4); and

13496 (ii) is accessible on the lieutenant governor's website or otherwise publicly available;

13497 and

13498 (b) establish fees for registration and renewal, in accordance with Section [63J-1-504](#),
13499 based on and to directly offset the cost of creating, administering, and maintaining the registry.

13500 (3) Each local government entity and limited purpose entity shall:

13501 (a) on or before July 1, 2019, register with the lieutenant governor as described in
13502 Subsection (4);

13503 (b) on or before one year after the day on which the lieutenant governor issues the
13504 notice of registration or renewal, annually renew the entity's registration in accordance with
13505 Subsection (5); and

13506 (c) on or before 30 days after the day on which any of the information described in
13507 Subsection (4) changes, send notice of the changes to the lieutenant governor.

13508 (4) Each entity shall include the following information in the entity's registration
13509 submission:

13510 (a) the resolution or other legal or formal document creating the entity or, if the
13511 resolution or other legal or formal document creating the entity cannot be located, conclusive
13512 proof of the entity's lawful creation;

- 13513 (b) if the entity has geographic boundaries, a map or plat identifying the current
13514 geographic boundaries of the entity, or if it is impossible or unreasonably expensive to create a
13515 map or plat, a metes and bounds description, or another legal description that identifies the
13516 current boundaries of the entity;
- 13517 (c) the entity's name;
- 13518 (d) the entity's type of local government entity or limited purpose entity;
- 13519 (e) the entity's governmental function;
- 13520 (f) the entity's website, physical address, and phone number, including the name and
13521 contact information of an individual whom the entity designates as the primary contact for the
13522 entity;
- 13523 (g) (i) names, email addresses, and phone numbers of the members of the entity's
13524 governing board or commission, managing officers, or other similar managers and the method
13525 by which the members or officers are appointed, elected, or otherwise designated;
- 13526 (ii) the date of the most recent appointment or election of each entity governing board
13527 or commission member; and
- 13528 (iii) the date of the anticipated end of each entity governing board or commission
13529 member's term;
- 13530 (h) the entity's sources of revenue; and
- 13531 (i) if the entity has created an assessment area, as that term is defined in Section
13532 [11-42-102](#), information regarding the creation, purpose, and boundaries of the assessment area.
- 13533 (5) Each entity shall include the following information in the entity's renewal
13534 submission:
- 13535 (a) identify and update any incorrect or outdated information the entity previously
13536 submitted during registration under Subsection (4); or
- 13537 (b) certify that the information the entity previously submitted during registration under
13538 Subsection (4) is correct without change.
- 13539 (6) Within 30 days of receiving an entity's registration or renewal submission, the
13540 lieutenant governor shall:
- 13541 (a) review the submission to determine compliance with Subsection (4) or (5);
- 13542 (b) if the lieutenant governor determines that the entity's submission complies with
13543 Subsection (4) or (5):

13544 (i) send a notice of registration or renewal that includes the information that the entity
13545 submitted under Subsection (4) or (5) to:

13546 (A) the registering or renewing entity;

13547 (B) each county in which the entity operates, either in whole or in part, or where the
13548 entity's geographic boundaries overlap or are contained within the boundaries of the county;

13549 (C) the Division of Archives and Records Service; and

13550 (D) the Office of the Utah State Auditor; and

13551 (ii) publish the information from the submission on the registry, except any email
13552 address or phone number that is personal information as defined in Section [63G-2-303](#); and

13553 (c) if the lieutenant governor determines that the entity's submission does not comply
13554 with Subsection (4) or (5) or is otherwise inaccurate or deficient, send a notice of
13555 noncompliance to the registering or renewing entity that:

13556 (i) identifies each deficiency in the entity's submission with the corresponding statutory
13557 requirement;

13558 (ii) establishes a deadline to cure the entity's noncompliance that is the first business
13559 day that is at least 30 calendar days after the day on which the lieutenant governor sends the
13560 notice of noncompliance; and

13561 (iii) states that failure to comply by the deadline the lieutenant governor establishes
13562 under Subsection (6)(c)(ii) will result in the lieutenant governor sending a notice of
13563 non-registration to the Office of the Utah State Auditor, in accordance with Subsection (9).

13564 (7) (a) If the lieutenant governor identifies an entity that does not make a registration
13565 submission in accordance with Subsection (4) by the deadline described in Subsection (3), the
13566 lieutenant governor shall send a notice of failure to register to the registered entity that:

13567 (i) identifies the statutorily required registration deadline described in Subsection (3)
13568 that the entity did not meet;

13569 (ii) establishes a deadline to cure the entity's failure to register that is the first business
13570 day that is at least 10 calendar days after the day on which the lieutenant governor sends the
13571 notice of failure to register; and

13572 (iii) states that failure to comply by the deadline the lieutenant governor establishes
13573 under Subsection (7)(a)(ii) will result in the lieutenant governor sending a notice of
13574 non-registration to the Office of the Utah State Auditor, in accordance with Subsection (9).

13575 (b) If a registered entity does not make a renewal submission in accordance with
13576 Subsection (5) by the deadline described in Subsection (3), the lieutenant governor shall send a
13577 notice of failure to renew to the registered entity that:

13578 (i) identifies the renewal deadline described in Subsection (3) that the entity did not
13579 meet;

13580 (ii) establishes a deadline to cure the entity's failure to renew that is the first business
13581 day that is at least 30 calendar days after the day on which the lieutenant governor sends the
13582 notice of failure to renew; and

13583 (iii) states that failure to comply by the deadline the lieutenant governor establishes
13584 under Subsection (7)(b)(ii) will result in the lieutenant governor sending a notice of
13585 non-registration to the Office of the Utah State Auditor, in accordance with Subsection (9).

13586 (8) An entity's registration is valid:

13587 (a) if the entity makes a registration or renewal submission in accordance with the
13588 deadlines described in Subsection (3);

13589 (b) during the period the lieutenant governor establishes in the notice of
13590 noncompliance or notice of failure to renew during which the entity may cure the identified
13591 registration deficiencies; and

13592 (c) for one year beginning on the day the lieutenant governor issues the notice of
13593 registration or renewal.

13594 (9) (a) The lieutenant governor shall send a notice of non-registration to the Office of
13595 the Utah State Auditor if an entity fails to:

13596 (i) cure the entity's noncompliance by the deadline the lieutenant governor establishes
13597 in the notice of noncompliance;

13598 (ii) register by the deadline the lieutenant governor establishes in the notice of failure
13599 to register; or

13600 (iii) cure the entity's failure to renew by the deadline the lieutenant governor establishes
13601 in the notice of failure to renew.

13602 (b) The lieutenant governor shall ensure that the notice of non-registration:

13603 (i) includes a copy of the notice of noncompliance, the notice of failure to register, or
13604 the notice of failure to renew; and

13605 (ii) requests that the state auditor withhold state allocated funds or the disbursement of

13606 property taxes and prohibit the entity from accessing money held by the state or money held in
13607 an account of a financial institution, in accordance with Subsections 67-3-1(7)(i) and
13608 67-3-1(10).

13609 (10) The lieutenant governor may extend a deadline under this section if an entity
13610 notifies the lieutenant governor, before the deadline to be extended, of the existence of an
13611 extenuating circumstance that is outside the control of the entity.

13612 (11) (a) An entity is not required to renew submission of a registration under this
13613 section if an entity provides a record of dissolution.

13614 (b) The lieutenant governor shall include in the registry an entity's record of dissolution
13615 and indicate on the registry that the entity is dissolved.

13616 Section 272. Section 73-5-15 is amended to read:

13617 **73-5-15. Groundwater management plan.**

13618 (1) As used in this section:

13619 (a) "Critical management area" means a groundwater basin in which the groundwater
13620 withdrawals consistently exceed the safe yield.

13621 (b) "Safe yield" means the amount of groundwater that can be withdrawn from a
13622 groundwater basin over a period of time without exceeding the long-term recharge of the basin
13623 or unreasonably affecting the basin's physical and chemical integrity.

13624 (2) (a) The state engineer may regulate groundwater withdrawals within a specific
13625 groundwater basin by adopting a groundwater management plan in accordance with this section
13626 for any groundwater basin or aquifer or combination of hydrologically connected groundwater
13627 basins or aquifers.

13628 (b) The objectives of a groundwater management plan are to:

13629 (i) limit groundwater withdrawals to safe yield;

13630 (ii) protect the physical integrity of the aquifer; and

13631 (iii) protect water quality.

13632 (c) The state engineer shall adopt a groundwater management plan for a groundwater
13633 basin if more than one-third of the water right owners in the groundwater basin request that the
13634 state engineer adopt a groundwater management plan.

13635 (3) (a) In developing a groundwater management plan, the state engineer may consider:

13636 (i) the hydrology of the groundwater basin;

- 13637 (ii) the physical characteristics of the groundwater basin;
- 13638 (iii) the relationship between surface water and groundwater, including whether the
13639 groundwater should be managed in conjunction with hydrologically connected surface waters;
- 13640 (iv) the conjunctive management of water rights to facilitate and coordinate the lease,
13641 purchase, or voluntary use of water rights subject to the groundwater management plan;
- 13642 (v) the geographic spacing and location of groundwater withdrawals;
- 13643 (vi) water quality;
- 13644 (vii) local well interference; and
- 13645 (viii) other relevant factors.
- 13646 (b) The state engineer shall base the provisions of a groundwater management plan on
13647 the principles of prior appropriation.
- 13648 (c) (i) The state engineer shall use the best available scientific method to determine
13649 safe yield.
- 13650 (ii) As hydrologic conditions change or additional information becomes available, safe
13651 yield determinations made by the state engineer may be revised by following the procedures
13652 listed in Subsection (5).
- 13653 (4) (a) (i) Except as provided in Subsection (4)(b), the withdrawal of water from a
13654 groundwater basin shall be limited to the basin's safe yield.
- 13655 (ii) Before limiting withdrawals in a groundwater basin to safe yield, the state engineer
13656 shall:
- 13657 (A) determine the groundwater basin's safe yield; and
- 13658 (B) adopt a groundwater management plan for the groundwater basin.
- 13659 (iii) If the state engineer determines that groundwater withdrawals in a groundwater
13660 basin exceed the safe yield, the state engineer shall regulate groundwater rights in that
13661 groundwater basin based on the priority date of the water rights under the groundwater
13662 management plan, unless a voluntary arrangement exists under Subsection (4)(c) that requires a
13663 different distribution.
- 13664 (iv) A groundwater management plan shall include a list of each groundwater right in
13665 the proposed groundwater management area known to the state engineer identifying the water
13666 right holder, the land to which the groundwater right is appurtenant, and any identification
13667 number the state engineer uses in the administration of water rights.

13668 (b) When adopting a groundwater management plan for a critical management area, the
13669 state engineer shall, based on economic and other impacts to an individual water user or a local
13670 community caused by the implementation of safe yield limits on withdrawals, allow gradual
13671 implementation of the groundwater management plan.

13672 (c) (i) In consultation with the state engineer, water users in a groundwater basin may
13673 agree to participate in a voluntary arrangement for managing withdrawals at any time, either
13674 before or after a determination that groundwater withdrawals exceed the groundwater basin's
13675 safe yield.

13676 (ii) A voluntary arrangement under Subsection (4)(c)(i) shall be consistent with other
13677 law.

13678 (iii) The adoption of a voluntary arrangement under this Subsection (4)(c) by less than
13679 all of the water users in a groundwater basin does not affect the rights of water users who do
13680 not agree to the voluntary arrangement.

13681 (5) To adopt a groundwater management plan, the state engineer shall:

13682 (a) give notice as specified in Subsection (7) at least 30 days before the first public
13683 meeting held in accordance with Subsection (5)(b):

13684 (i) that the state engineer proposes to adopt a groundwater management plan;

13685 (ii) describing generally the land area proposed to be included in the groundwater
13686 management plan; and

13687 (iii) stating the location, date, and time of each public meeting to be held in accordance
13688 with Subsection (5)(b);

13689 (b) hold one or more public meetings in the geographic area proposed to be included
13690 within the groundwater management plan to:

13691 (i) address the need for a groundwater management plan;

13692 (ii) present any data, studies, or reports that the state engineer intends to consider in
13693 preparing the groundwater management plan;

13694 (iii) address safe yield and any other subject that may be included in the groundwater
13695 management plan;

13696 (iv) outline the estimated administrative costs, if any, that groundwater users are likely
13697 to incur if the plan is adopted; and

13698 (v) receive any public comments and other information presented at the public

13699 meeting, including comments from any of the entities listed in Subsection (7)(a)(iii);
13700 (c) receive and consider written comments concerning the proposed groundwater
13701 management plan from any person for a period determined by the state engineer of not less
13702 than 60 days after the day on which the notice required by Subsection (5)(a) is given;
13703 (d) (i) at least 60 days prior to final adoption of the groundwater management plan,
13704 publish notice:
13705 (A) that a draft of the groundwater management plan has been proposed; and
13706 (B) specifying where a copy of the draft plan may be reviewed; and
13707 (ii) promptly provide a copy of the draft plan in printed or electronic form to each of
13708 the entities listed in Subsection (7)(a)(iii) that makes written request for a copy; and
13709 (e) provide notice of the adoption of the groundwater management plan.
13710 (6) A groundwater management plan shall become effective on the date notice of
13711 adoption is completed under Subsection (7), or on a later date if specified in the plan.
13712 (7) (a) A notice required by this section shall be:
13713 (i) published:
13714 (A) once a week for two successive weeks in a newspaper of general circulation in
13715 each county that encompasses a portion of the land area proposed to be included within the
13716 groundwater management plan; and
13717 (B) in accordance with Section 45-1-101 for two weeks;
13718 (ii) published conspicuously on the state engineer's website; and
13719 (iii) mailed to each of the following that has within its boundaries a portion of the land
13720 area to be included within the proposed groundwater management plan:
13721 (A) county;
13722 (B) incorporated city or town;
13723 (C) a [~~local~~] special district created to acquire or assess a groundwater right under Title
13724 17B, Chapter 1, Provisions Applicable to All [~~Local~~] Special Districts;
13725 (D) improvement district under Title 17B, Chapter 2a, Part 4, Improvement District
13726 Act;
13727 (E) service area, under Title 17B, Chapter 2a, Part 9, Service Area Act;
13728 (F) drainage district, under Title 17B, Chapter 2a, Part 2, Drainage District Act;
13729 (G) irrigation district, under Title 17B, Chapter 2a, Part 5, Irrigation District Act;

13730 (H) metropolitan water district, under Title 17B, Chapter 2a, Part 6, Metropolitan
13731 Water District Act;

13732 (I) special service district providing water, sewer, drainage, or flood control services,
13733 under Title 17D, Chapter 1, Special Service District Act;

13734 (J) water conservancy district, under Title 17B, Chapter 2a, Part 10, Water
13735 Conservancy District Act; and

13736 (K) conservation district, under Title 17D, Chapter 3, Conservation District Act.

13737 (b) A notice required by this section is effective upon substantial compliance with
13738 Subsections (7)(a)(i) through (iii).

13739 (8) A groundwater management plan may be amended in the same manner as a
13740 groundwater management plan may be adopted under this section.

13741 (9) The existence of a groundwater management plan does not preclude any otherwise
13742 eligible person from filing any application or challenging any decision made by the state
13743 engineer within the affected groundwater basin.

13744 (10) (a) A person aggrieved by a groundwater management plan may challenge any
13745 aspect of the groundwater management plan by filing a complaint within 60 days after the
13746 adoption of the groundwater management plan in the district court for any county in which the
13747 groundwater basin is found.

13748 (b) Notwithstanding Subsection (9), a person may challenge the components of a
13749 groundwater management plan only in the manner provided by Subsection (10)(a).

13750 (c) An action brought under this Subsection (10) is reviewed de novo by the district
13751 court.

13752 (d) A person challenging a groundwater management plan under this Subsection (10)
13753 shall join the state engineer as a defendant in the action challenging the groundwater
13754 management plan.

13755 (e) (i) Within 30 days after the day on which a person files an action challenging any
13756 aspect of a groundwater management plan under Subsection (10)(a), the person filing the action
13757 shall publish notice of the action:

13758 (A) in a newspaper of general circulation in the county in which the district court is
13759 located; and

13760 (B) in accordance with Section [45-1-101](#) for two weeks.

13761 (ii) The notice required by Subsection (10)(e)(i)(A) shall be published once a week for
13762 two consecutive weeks.

13763 (iii) The notice required by Subsection (10)(e)(i) shall:

13764 (A) identify the groundwater management plan the person is challenging;

13765 (B) identify the case number assigned by the district court;

13766 (C) state that a person affected by the groundwater management plan may petition the
13767 district court to intervene in the action challenging the groundwater management plan; and

13768 (D) list the address for the clerk of the district court in which the action is filed.

13769 (iv) (A) Any person affected by the groundwater management plan may petition to
13770 intervene in the action within 60 days after the day on which notice is last published under
13771 Subsections (10)(e)(i) and (ii).

13772 (B) The district court's treatment of a petition to intervene under this Subsection
13773 (10)(e)(iv) is governed by the Utah Rules of Civil Procedure.

13774 (v) A district court in which an action is brought under Subsection (10)(a) shall
13775 consolidate all actions brought under that subsection and include in the consolidated action any
13776 person whose petition to intervene is granted.

13777 (11) A groundwater management plan adopted or amended in accordance with this
13778 section is exempt from the requirements in Title 63G, Chapter 3, Utah Administrative
13779 Rulemaking Act.

13780 (12) (a) Recharge and recovery projects permitted under Chapter 3b, Groundwater
13781 Recharge and Recovery Act, are exempted from this section.

13782 (b) In a critical management area, the artificial recharge of a groundwater basin that
13783 uses surface water naturally tributary to the groundwater basin by a [~~local~~] special district
13784 created under Subsection [17B-1-202\(1\)\(a\)\(xiii\)](#), in accordance with Chapter 3b, Groundwater
13785 Recharge and Recovery Act, constitutes a beneficial use of the water under Section [73-1-3](#) if:

13786 (i) the recharge is done during the time the area is designated as a critical management
13787 area;

13788 (ii) the recharge is done with a valid recharge permit;

13789 (iii) the recharged water is not recovered under a recovery permit; and

13790 (iv) the recharged water is used to replenish the groundwater basin.

13791 (13) Nothing in this section may be interpreted to require the development,

13792 implementation, or consideration of a groundwater management plan as a prerequisite or
13793 condition to the exercise of the state engineer's enforcement powers under other law, including
13794 powers granted under Section [73-2-25](#).

13795 (14) A groundwater management plan adopted in accordance with this section may not
13796 apply to the dewatering of a mine.

13797 (15) (a) A groundwater management plan adopted by the state engineer before May 1,
13798 2006, remains in force and has the same legal effect as it had on the day on which it was
13799 adopted by the state engineer.

13800 (b) If a groundwater management plan that existed before May 1, 2006, is amended on
13801 or after May 1, 2006, the amendment is subject to this section's provisions.

13802 Section 273. **Effective date.**

13803 This bill takes effect on July 1, 2022.

13804 Section 274. **Revisor instructions.**

13805 The Legislature intends that the Office of Legislative Research and General Counsel, in
13806 preparing the Utah Code database for publication, for July 1, 2022, replace the term “local
13807 district” or “local districts” with the term “special district” or “special districts” in any new
13808 language added to the Utah Code, by legislation passed during the 2022 General Session, in the
13809 context of describing an entity under Title 17B, Limited Purpose Local Government Entities -
13810 Special Districts.